



## 2021 GAPC Tobacco Certification Compliance Guide

## Purpose of the GAPC Certification Compliance Guide

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

Purpose of the document:

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

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

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

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## About GAP Connections

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

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

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

## About the GAPC Certification Program

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

### Mission

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

### Objective

The objective of GAPC Certification Program is to measure compliance with GAPC Certification Standards by reviewing objective evidence, records and procedures of those GAPC Grower Members who have applied and been approved to participate in the GAPC Certification Program.

### Scope

GAPC Certification Standards and Monitoring Activities apply to:

- GAPC Grower Member's records and locations, including their offices, fields, barns, greenhouses, chemical storage locations and anywhere the integrity and quality of the product being grown is affected;
- All farmworkers that provide any services in tobacco on the operation seeking Certification regardless of whether they are directly hired by the grower or indirectly hired by other entities such as Farm Labor Contractors or other third parties.

## Types of Certifications

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

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

To be certified, a grower must adhere to the GAP Connections Certification Standards set forth for the type of Certification chosen by the grower.

## Certification Standards

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

- **Critical Standards** - are required by law or deemed necessary by the industry. Compliance with Certification Standards does not guarantee compliance with Federal, State, or local laws.
- **Additional Standards** – adhere to good agricultural practices.

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

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

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

U.S. Certification		International Certification		
<b>FLC Hired Labor Minimum Age</b>	Verify workers are 16 years of age or older by reviewing the worker's I-9 form.	Above U.S. Law	Verify workers are 18 years of age or older by reviewing the worker's I-9 form.	Above U.S. Law
<b>FLC Hired Labor Tasks for Minors</b>	No hired worker under 18 may be assigned DOL hazardous tasks.	Above U.S. Law	No hired workers hired by a FLC under 18 are allowed to work on operation.	Above U.S. Law

## Associated Growers

- Associated Growers are approved at time of application. No additions to or changes to Primary Grower for any applicants for three (3) years are allowed once an application for a Certification Audit is approved. Deletions or drops are allowed but cannot be re-added within the three (3) years.<sup>4</sup>
- Applicants approved in 2019 are allowed to keep their Associated Growers until the successful completion of their desktop review given that they continue to meet the 2019 definition of Associated Growers. There will be no switches from Primary to Associate or Associated to Primary allowed without approval of Certification Committee.
- Associated Growers are reverified at time of monitoring activity. Associated Growers must maintain compliance with the GAPC Criteria for Associated Growers.
- Documents from the Entity Determination Documentation List used at time of application to seek approval of Associated Growers can be asked to be reviewed by auditor at time of monitoring activity. **Growers, to whom this applies, should have copies at the operation at the time of monitoring activity. Documents are a part of the growers' Certification profile and are shared with companies with whom grower has a data release with.** (See Entity Determination Documentation List).

<sup>4</sup> Changes can only be made in the case of death of or the approved medical conditions of Primary Grower reviewed and approved by Certification Committee. In these cases, an Associated Grower can become the Primary Grower with Certification Committee approval.



## GAPC Criteria for Associated Growers

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

## Entity Determination Documentation List





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

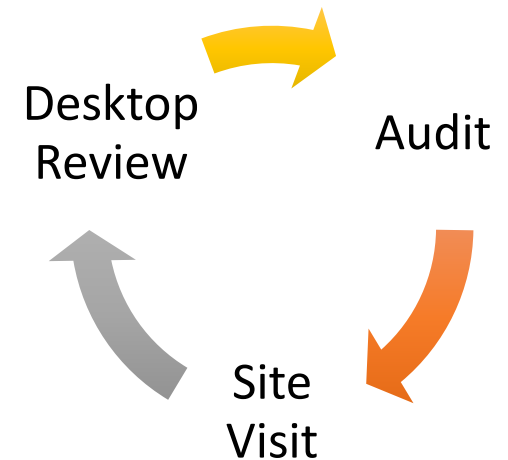
<sup>5</sup> Grower should submit one document from the list corresponding with the entity. However, GAPC staff and/or auditor can request others if document chosen does not provide sufficient verification.

## Monitoring Activities

The objective of GAPC Certification Program is to measure compliance with GAPC Certification Standards by reviewing objective evidence and records of those GAPC Grower Members who have applied and been approved to participate in the GAPC Certification Program. The GAPC Certification monitoring activities occur annually in a repeating cycle beginning with an Audit followed by a Site Visit and then Desktop Review. If a grower achieves Certification and meets the required qualifications for continuation, they will move through the cycle as described. Table A provides details on each of these monitoring activities.

**Table B: The Annual GAPC Certification Monitoring Activities**

	Audit	Site Visit	Desktop Review
Location	 On-farm	 On-farm	 OR  On-farm OR Electronic
Number of Critical Standards Verified	ALL (124 Critical Standards)	ALL (124 Critical Standards)	SOME (65 Critical Standards)
Number of Additional Standards Verified	ALL (65 Additional Standards)	NONE	SOME (5 Additional Standards)
Worker Interviews of Hired Labor*	Required	<b>Required only if:</b> <ul style="list-style-type: none"> <li>• Worker issues were remediated in previous year's Audit</li> <li>• Change in labor source</li> <li>• Beginning in 2022: Indirectly hiring labor</li> </ul>	<b>Required only if:</b> <ul style="list-style-type: none"> <li>• Worker issues were remediated in previous year's Audit</li> <li>• Change in labor source</li> <li>• Beginning in 2022: Indirectly hiring labor</li> </ul>
Score	100% of Criticals 75% of Additional	100% of Criticals	100% of Criticals 100% of Additional
Average Time	2-3 hours	1-2 hours	1 hour or less



\* Worker interviews can be requested by grower at the time of application each year.

## Attendance at Monitoring Activities

All growers (Primary and Associated) listed on the Certification Application must be present to sign the monitoring visit report for all visits associated with the Certification of the operation (audit, site visit, desktop review). There will be questions asked of Associated Growers during the monitoring activities to verify their relationship with the operation.

## Worker Interviews

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When the auditor is on the farm and worker interviews are required or requested, the auditor will interview, at minimum, twenty percent (20%) of the grower's workforce, with a minimum of two worker interviews for those operations with more than one worker and a maximum of ten worker interviews for those operations with 50 or more workers, for the current season in which the GAPC Grower Member is seeking certification. Workers interviews must be representative of all labor sources used on the farm. More interviews can be conducted if deemed necessary by auditor to verify practices. If the grower uses a Farm Labor Contractor those workers must be present for interviews. Workers are to be selected randomly by the auditor. Worker interviews are to be conducted anonymously and grower must not be present for worker interviews. Beginning in 2022, worker interviews will be required annually for those growers who indirectly hire labor (i.e. use a Farm Labor Contractor (FLC) or H-2ALC).

## Repeat Non-Compliance

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If a Grower Member fails to comply with a Critical Standard for two consecutive years and the failed Critical Standard is not related to a worker's safety, rights, and/or working environment, even if the Grower Member otherwise achieves certification through timely remediation of the Critical Standard, the Grower Member must undergo an Audit in the following year.

Failure to comply with a Critical Standard in two consecutive years that is related to a worker's safety, rights, and/or working environment could result in revocation of Certification even if the Grower Member otherwise meets the certification standards.

## Monitoring Activity Code of Conduct

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

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

## Remediation

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

The Review and Remediation Committee will meet as needed to review cases in which the non-compliance issue does not fall into a predefined remediation path. The Committee will review the monitoring Activity report and any other relevant information from the auditor, investigator, or GAPC staff and prescribe the course of remediation for the grower by a majority vote. The Committee will also meet as needed to review and approve denials of GAPC Certification by a majority vote. The Review and Remediation Committee will be comprised of a GAPC staff organizer (generally the Compliance and Assessment Coordinator), two grower members and two company members. If the Committee chooses to, they can bring in consultants such as an audit firm representative and/or a content expert depending on the issues that are in question for remediation.

## Appeals Process

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

## Helpful Tips for Growers Applying for GAPC Certification

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- Review the 2021 GAPC Certification Compliance Guide in its entirety (found online at [www.gapconnections.com](http://www.gapconnections.com)).
- Have your records and documents all in one place and ready for review on the day the auditor arrives.
- If worker interviews are being conducted, ensure workers will be available and close by for worker interviews on the day the auditor arrives.
- GAPC staff are here to help! If you have questions call GAPC at 865.622.4606.

## Checklist for GAPC Certification

- Apply for GAPC Certification and select your monitoring firm<sup>6</sup> **before April 15** and be approved by GAPC.
- Follow all GAPC Membership and GAPC Certification Standards, policies, and procedures as listed in the GAPC Certification Application and the 2021 GAPC Certification Compliance Guide including:
  - Participation in the GAPC Worker Concern Helpline or other approved third-party concern process.
  - Attending annual GAPC Training before June 30 of current year (ALL Grower ID's listed on the application must attend training by deadline).
  - Complete the self-assessment, if wanting to achieve GAPC International Certification prior to your Monitoring Activity.
- Complete your Certification Monitoring Visit **before October 31** of current year.
- Complete worker interviews if required:

<b>Audit (A)</b>	<ul style="list-style-type: none"> <li>• Worker interviews are required if non-immediate family farm labor is hired on the farming operation.</li> </ul>
<b>Site Visit (SV) or Desktop Review (DR)</b>	<ul style="list-style-type: none"> <li>• Worker interviews can be conducted at the request of the grower but <u>will only be required</u> if the GAPC Certified Grower (1) remediated an issue in previous year that required worker interviews or (2) switched from ONLY immediate family<sup>7</sup> farm labor to hiring non-family labor. If worker interviews are requested or required a grower must choose to have an on-farm Desktop Review.</li> </ul>

- Achieve the minimum score required:

<b>Audit (A)</b>	<ul style="list-style-type: none"> <li>• 100% of Critical standard points labeled as (A)*</li> <li>• 75% of Additional standard points labeled as (A)* (High: 5 points, Medium: 2 points, Low: 1 point)</li> </ul>
<b>Site Visit (SV)</b>	<ul style="list-style-type: none"> <li>• 100% of Critical standard points labeled as (SV)*</li> </ul>
<b>Desktop Review (DR)</b>	<ul style="list-style-type: none"> <li>• 100% of Critical standard points labeled as (DR)*</li> <li>• 100% of Additional standard points labeled as (DR)* (High: 5 points, Medium: 2 points, Low: 1 point)</li> </ul>

\*See year label (i.e. A, SV, and DR) in the Standard Category column in the Certification Standards section in Compliance Guide.

- If remediation is needed to achieve a passing Certification score, it must be completed within 30 days of the date the Certification Monitoring Activity report was submitted. Grower Member will receive a copy of the report indicating what needs remediation by mail or email after the Certification Monitoring Activity.

<sup>6</sup> A list of approved monitoring firms is included in this Guide in the section titled 2021 Approved Monitoring Firms for GAPC Certification or at [www.gapconnections.com](http://www.gapconnections.com) when logged in (Grower Dashboard under Certification).

<sup>7</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

## 2021 Approved Monitoring Firms for GAPC Certification

GAPC publishes an RFP each Fall to request proposals from monitoring firms. Monitoring firms are approved by the GAPC Board of Directors after proposals and auditor qualifications are reviewed internally and by the GAPC Board of Directors.

For any information on group pricing or discounts please contact the monitoring firm directly. All monitoring firms set their own pricing.

### Accordia

Accordia is a family business with over 10 years of experience in agriculture. Their headquarters are in St. Augustine, FL with management staff and technical experts responsible for global and regional U.S. operations, client services, audit execution, and quality control. The owners of the company are both experienced lead auditors and actively perform audits.

Accordia utilizes a scheduler for pre-audit communication, an Administrative Assistant to answer calls and questions, a Quality Assurance (QA) Team to perform quality review and off-site remediation, four auditors to conduct monitoring visits, and a Program Manager to oversee and address any operational concerns. All growers will receive a minimum of a two weeks' notice, Accordia will begin coordinating with growers for scheduling as soon as they are notified that an operation has chosen their audit firm.

Contact Information: Dee Gonsalves Phone: (905) 469-1442 scheduling or audit inquiries. Calls will be answered Monday to Friday, 9:00am to 5:00pm, any voicemails outside of business hours will receive follow up the next business day.

Activity	All expenses included pricing	Cost plus expenses (if applicable)
Year 1 Certification with worker interviews	\$500	\$400
Year 1 Certification without worker interviews	\$500	\$400
Year 2/3 Certification: Site Visit with worker interviews	\$500	\$400
Year 2/3 Certification: Site Visit without worker interviews	\$500	\$400
Year 3 Certification: through desktop review (no on-farm visit)	\$100	\$100 (no expenses)
Remediation through desktop review /documentation review (no on-farm visit)	\$100	\$100 (no expenses)
Remediation through an on-farm visit	\$500	\$400

## ARCHE Advisors

ARCHE Advisors brings many decades of combined experience in corporate social responsibility and sustainability audit services. In addition to this, ARCHE has over 6 years of experience in the tobacco industry. Their headquarters are in St. George, UT, with audit staff located across the U.S.

ARCHE Advisors auditors will be scheduling their own visits and will be providing a two-week notification prior to the monitoring visit. There will be seven auditors to conduct monitoring visits, and a dedicated Client Services Manager to take calls and address issues.

Contact Information: Tracy Ford Phone: (561) 319-4705 | Text: (561) 319-4705 | Email: [GAPCertification@ArcheAdvisors.com](mailto:GAPCertification@ArcheAdvisors.com) Calls will be answered and returned between 8:00am- 6:00pm PT.

Activity	All expenses included pricing	Cost plus expenses (if applicable)
Year 1 Certification with worker interviews	\$500-\$550*	N/A
Year 1 Certification without worker interviews	\$450-\$500*	N/A
Year 2/3 Certification: Site Visit with worker interviews	\$450-\$500*	N/A
Year 2/3 Certification: Site Visit without worker interviews	\$400-\$450*	N/A
Year 3 Certification: through desktop review (no on-farm visit)	\$200	N/A
Remediation through desktop review /documentation review (no on-farm visit)	\$50	N/A
Remediation through an on-farm visit	\$750	N/A

\*Lower amount quoted above signifies audit volume in a given area; three or more within 15 miles.

## LANCO GAP Services

LANCO GAP Services was formed in 2017 and has experience in agriculture auditing in food safety, USDA Harmonized GAP, and tobacco. Prior to forming the company, the managing member also had previous experience in providing GAP services to Pennsylvania farmers. On-farm services are available for growers in the Pennsylvania and Northern Maryland areas. Electronic Desktop Review services are available for growers from any geographic area.

LANCO GAP Services auditors will be scheduling their own visits and will be providing a two-week notification prior to the monitoring visit. There will be four auditors to conduct monitoring visits, and the owner of the company will be available to train and calibrate other auditors as needed, as well as handle document review remediation.

Contact Information: Daniel B. Zook, 183 South Farmersville Road, Leola PA 17540 Phone: (717) 656-4422 Hours: 7:30-11:00 AM, 1:00-4:30 PM, to speak to someone in person try calling 7:30-8:00 AM Fax: (717) 212-9134 | Email: zook.daniel1@gmail.com

Activity	All expenses included pricing	Pricing for members of qualified organized group
Certification Audit with worker interviews	\$475	\$425
Certification Audit without worker interviews	\$375	\$325
Certification Site Visit with worker interviews	\$425	\$375
Certification Site Visit without worker interviews	\$325	\$275
Desktop Review with on-farm visit	\$275	\$225
Desktop Review with document submission (no on-farm visit)	\$150	\$150
Grower notifies firm after April 30	Add \$25 to prices above (subject to availability)	Add \$25 to prices above (subject to availability)
Remediation through desktop review/ documentation review (no on-farm visit)	\$15/document or item (\$30 minimum)	\$15/document or item (\$30 minimum)
Remediation through an on- farm visit	Up to \$175	Up to \$175

\* Payment is due at time of service. A 1.5% per month (\$3.00 minimum) finance charge will be added thereafter. LGS appreciates at least 48 hours' notice if the grower cannot keep a scheduled appointment. LGS may charge a \$60.00 cancellation fee if the grower is not available for the audit and has not notified the auditor. This includes growers who cancel certification (drop out of the GAPC program) without notifying the auditor. Desktop Review with document submission must be paid before the review will be conducted.



## QCS- Quality Certification Services

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

QCS auditors are responsible for coordinating specific dates and times for the monitoring visits and making sure every client assigned to them has at least a two-week notice. There will be five auditors to conduct monitoring visits, and an administrative staff to answer any questions. There is also a Special Programs Manager who will be utilized to group inspections within regions and ensure any combined audits (Organic/Global GAP) are noted and to assign to the auditor.

Contact Information: Phone: (352) 377-0133 Text: (352) 681-8838 | Email: Dawn@qcsinfo.org | Hours of Operation: 9am – 5pm EST, Monday – Friday

Activity	Cost plus expenses (if applicable)	Combination pricing (Organic + GAPC)
Certification Audit with worker interviews	\$450 + expenses	\$450, no expenses accrued
Certification Site Visit with worker interview	\$400 + expenses	\$400, no expenses accrued
Certification site visit without worker interviews	\$350 + expenses	\$350, no expenses accrued
Desktop Review with on-farm visit	\$350 + expenses	\$350, no expenses accrued
Desktop Review with document submission (no on-farm visit)	\$50/Hour	\$50/Hour
Remediation through desktop review/documentation review (no on-farm visit)	\$50/Hour	\$50/Hour
Remediation through an on-farm visit	\$350 + expenses	\$350, no expenses accrued
* All expenses not to exceed \$220.00, if an operation is exempt or excluded from eligible Farm Labor Standards as determined by an onsite assessment by the auditor, \$280.00 plus expenses will be charged.		

## Understanding the Compliance Guide Tables

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

## Verification Methods

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

## Remediation Processes<sup>8</sup>

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

<sup>8</sup> In the event that your selected auditing firm encounters circumstances on your operation that are not in compliance with GAPC Certification Standards, GAPC may, but is not required to, permit you to remediate and correct any noncompliance with GAPC standards so that you may qualify for GAPC Certification in the year of application. There is no obligation on the part of GAPC to permit remediation. If GAPC permits remediation, all required remediation must be completed within 30 days of the date the monitoring visit was submitted. Failure to timely remediate noncompliance with GAPC Certification Standards may result in denial of GAPC Certification for your operation.

## Non-compliance Consequence

	Abbreviation	Process
Not Certified	NC	Grower is <b>Not Certified</b> as they are not in compliance with a “Critical” standard.
Not Certified Depending on Score	NC*	Grower is <b>Not Certified</b> if compliance with this Additional standard is needed to reach minimum required Additional Certification score.
Not Certified and Potential Reportable	NCR	Grower is <b>Not Certified</b> . GAPC also reasonably believes this practice constitutes a serious violation of the law, or a severe infraction that endangers the health, safety, or rights of workers and may be reported to authorities and/or contracting companies. <sup>9</sup>

<sup>9</sup> In the event that GAPC, through any means, in its sole discretion, determines that an operation is engaged in serious violations of laws designed to protect workers, GAPC reserves the right to report the GAPC Grower Member’s operation to the proper governmental authorities and revoke the GAPC Grower Member’s GAPC Certification. Conduct that may potentially result in a report to outside authorities is detailed in GAPC Certification Compliance Guide (indicated with a “NCR”). In addition to conduct identified in GAPC Certification Compliance Guide, any actions that pose an immediate risk of serious injury or death, forced labor, or human trafficking may be reported to the appropriate governmental authorities.

## General Certification Standards

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
<b>SELF-ASSESSMENT</b>						
Critical International ONLY A, SV, DR	Complete the GAPC Annual Self-assessment prior to monitoring activity.	Was the self-assessment completed prior to the monitoring activity (self-assessment percentage complete must be 100%)?		RR	RR	NC
<b>GROWER TRAINING</b>						
Critical A, SV, DR	Grower and all Associated Growers must attend Annual GAP Training by June 30 of each year.	Did grower and all their associated growers complete training by June 30?	1, 1	RR	NR	NC
<b>578 CROP REPORT</b>						
Critical A, SV, DR	Obtain an FSA Form 578 crop report(s) for the current year detailing all tobacco acreage from all counties.	Does the grower have an FSA Form 578 Crop report(s) for the current year detailing all tobacco acreage from all counties? If there is an Associated Grower, their name must be listed on a 578(s) attached to Certification application.		RR; P	RR	NC
Critical A, SV, DR	Acreage reported on current year FSA Form 578 crop report(s) must match acreage reported at time of monitoring activity.	Does the FSA Form 578 crop report(s) for the current year match the acreage reported by grower during monitoring activity?		RR; P	RR	NC

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

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
<b>OPERATION AND NUTRIENT MANAGEMENT</b>						
Additional Medium A	Make fertilizer application decisions using soil test results that are no more than three years old.	Was a soil test conducted on each tobacco field no more than three years before the time of transplanting?	1, 3	RR; P	RR	NC*
Additional High A,DR	Keep records of all nutrient applications- greenhouse, transplant water, and field (soil and foliar), which includes date of fertilizer application, application timing (pre-plant, side-dressing, transplanting, or foliar), type of fertilizer applied (N-P-K, and rate of application. This includes lime applications.	Are fertilizer/lime/manure applications records for greenhouses and field/tracts maintained at the farm? This includes date of fertilizer application, application timing (pre-plant, side-dressing, transplanting, or foliar), type of fertilizer applied (N-P-K), and rate of application.	1, 4 & 5	RR	RR	NC*
Additional High A	It is preferable not to use muriate of potash but if using muriate of potash, applications should be made before January 1 of the production year.	Did you use muriate of potash on your tobacco crop this year? a) If manure or muriate of potash was applied, was it applied by January 1 of the production season?; b) For any application of muriate of potash after January 1, do you apply more than 110 pounds per acre?	1, 5	RR	NR	NC*
Additional Medium A	If using animal manure or litter for fertilizer, have it tested for nutrient content to determine appropriate rates. Guidelines on the use of animal manure in tobacco production can be found in the University of Kentucky Burley Tobacco growers guide.	Do you use animal manure or litter for fertilizer on your tobacco? a) If you use animal manure or litter for fertilizer on your tobacco do you have documentation that indicates it has been tested for nutrient content?	1, 6	RR; P	RR CAP	NC*
Critical A, SV	<b>If required in your watershed, comply with nutrient management regulations as applicable.</b>	<b>Do you comply with the nutrient management regulations in your state/watershed?</b>		RR	RR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
<b>INTEGRATED PEST MANAGEMENT</b>						
Additional Medium A, DR	<p>Have a documented scouting program for pests and record the scouting information by field/tract following GAP standards. Records should include the following:</p> <ul style="list-style-type: none"> <li>• Date of scouting</li> <li>• Pests observed</li> <li>• Percent of plants affected/infested</li> <li>• Crop protection agent applications made by field and date</li> <li>• Conduct a follow-up of your pest control practices to determine the effectiveness of the action taken</li> </ul>	<p>Do you have a documented scouting and monitoring program for your tobacco production?</p> <p>Is there a documented scouting program that includes, at minimum, the following?</p> <p>a) Field scouting dates; b) Pests identified during scouting; c) Fields/tracts where pests were identified; d) Level of infestation of pests identified; e) Corrective actions taken by field and date; f) Follow-up on pest control practices to determine the effectiveness of actions taken</p>	2, 1	RR	RR	NC*
Additional Medium A	Use appropriate methods to clean or sanitize transplant trays.	Are trays used in the production of seedlings cleaned or sanitized using appropriate methods?		GI	NR	NC*
Additional Medium A	Destroy unused seedlings within 30 days after transplanting is completed.	Are unused seedlings destroyed within 30 days after transplanting is completed?		GI	NR	NC*
Additional Medium A	Destroy crop residues and establish a cover crop within 60 days after harvest.	Crop residues from the previous year are destroyed and cover crop established within 60 days after harvest?		GI	NR	NC*
Critical A, SV, DR	<b>All agrochemical applications, restricted or non-restricted, should be completed or supervised by a licensed pesticide applicator.</b>	<b>Does a licensed pesticide applicator apply or supervise all pesticide usage (restricted and non-restricted)? Grower must have copy of current pesticide license at time of audit. If grower uses a third-party to apply pesticides on your operation you must have a copy of their pesticide license at time of audit.</b>	2, 2	RR	RR	NC



Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Use only pesticides that have been approved by the EPA for use on tobacco (labeled). Always refer to your grower contract; some buyers may prohibit use of CPA's which are labeled for tobacco.	Do you only use labeled pesticides on your farm for tobacco production?	2, 3	RR	NR	NC
Critical A, SV, DR	Keep field/tract records of all agrochemical applications, including in the greenhouse, transplant water, and field. This includes: CPA/agrochemical common name, Active ingredient, Application Date, Application Method, Rate, Name of Applicator, Field name and location, EPA Number, REI.	Does pesticide application documentation include, at minimum, the following? a) Date of application; b) Entity performing application; d) Product brand name and common name/active ingredient; e) EPA#; f) Restricted Entry Interval (REI) by field/tract; g) Rate applied; h) Identification or field treated and size of treated area; i) Method of pesticide application	2, 3-5	RR	RR	NC
Additional High A	Keep field or tract records of all agrochemical applications, including greenhouse, transplant water and in the field. This includes: Pest targeted or reason for application.	Does pesticide application documentation include, at minimum, the following? c) Reason for application	2, 4 & 5	RR	RR	NC*
Additional High A	Maintain pesticide application records for the previous two growing seasons as well as the current season.	Are pesticide application records available for the previous two growing seasons as well as the current season?		RR	RR	NC*
Additional High A	Maintain calibration records for current year.	Are records of sprayer calibration for the current season being maintained?	2, 6	RR	RR	NC*
<b>CROP OPERATIONS MANAGEMENT</b>						
Critical A, SV	Direct the day-to-day activities involved in producing the tobacco sold under your name, the name of an Associated Grower, employee, or the name of the farming operation.	Do you direct the day-to-day activities involved in producing the tobacco sold under your name, the name of an Associated Grower, employee, or the name of the farming operation?		GI	NR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Medium A	Select tobacco variety based on, disease resistance, curing characteristics, cured leaf quality, and yield, and maintain records or documentation of sources you used to select your tobacco varieties (examples are seed company literature, university production guides, buying company recommendations, etc.)	Do you have documentation that indicates tobacco varieties are selected based on disease resistance, field history, curing characteristics, cured leaf quality, or yield?	3, 1	RR	RR	NC*
Critical A, SV, DR	<b>Whether you produce or purchase your tobacco plants, keep records of transplant/greenhouse seeding dates, varieties, and seed lot numbers by field/tract.</b>	<b>Do you produce or purchase your tobacco plants?</b>  <b>What percentage of your tobacco plants do you produce?</b>  <b>Is the following documentation maintained for crop management maintained at the farm?</b> <b>a) Seed lot numbers and varieties maintained at the farm; b) Dates of seeding for transplants.</b>	3, 1	GI; RR	RR	NC
Additional Medium A	Keep records of transplanting and topping by field or tract.	Is the following documentation maintained for crop management maintained at the farm? a) Dates of transplanting for the current season; d) Dates of topping.	3, 2	RR	RR	NC*
Additional Low A	Keep records of plant and row spacing and plant population maintained by field or tract.	Is the following documentation maintained for crop management maintained at the farm? b) Row width and plant spacing for the current season; c) Plant population in field	3, 2	RR	RR	NC*
Additional Medium A	Use recommended measures to control weed seed contamination of tobacco.	Is there a documented program for control of problem weeds that contaminate tobacco with weed seed?	3, 2	RR	RR	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Low A	FLUE ONLY: Prior to harvest, mow all field borders/turning areas, and manual removal of pigweed and other weeds of concern from fields.	Do you mow all field borders, turning areas, and manually remove pigweed and other weeds of concern from the fields?		GI	GI	NC*
Critical A, SV	Keep tobacco types strictly separated from each other during seeding, curing, and market preparation.	If multiple tobacco types are grown on the farm, are they kept strictly separated at all levels of production?		VI	NR	NC
Critical A, SV	If tarps are used to cover tobacco during transport, use tarps made of acceptable tarping material (non-plastic) on the side of the tarp in contact with the tobacco when covering it during transport to market, on surfaces free of contaminants.	If tarps are used, are tarps made of acceptable tarping material (non-plastic) on the side of the tarp in contact with the tobacco when covering it during transport to market, on surfaces free of contaminants?		VI	RRP	NC
Critical A, SV	If an enclosed trailer or vehicle is used to transport tobacco to market, all surfaces should be free of contaminants. Stock trailers should not be used for tobacco transport.	If an enclosed trailer/vehicle is used to transport tobacco to market, are all surfaces should be free of contaminants?		VI	RRP	NC
<b>CURING AND BARN MANAGEMENT</b>						
Additional Medium A	Maintain records of the type and number of curing structures or barns.	Are the following records maintained for curing and barn management? Type and number of curing structures or barns	1, 2	RR	RR	NC*
Additional Low A	AIR AND FIRE ONLY: No curing structures more than two tiers high, barns designed such that no worker is more than 12 feet above the barn floor in normal operations.	How tall is your tallest curing structure?		GI; VI	NR	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Medium A	Keep records of harvesting dates by field or tract.	Is the following documentation maintained for crop management maintained at the farm? Dates of harvesting for the current season <sup>10</sup>	4, 2 (Air) 4 (Fire) 3 (Flue)	RR	RR	NC*
Additional Medium A	Maintain documentation on the curing structure or barn used for tobacco from each field and tract for traceability purposes.	Are records maintained documenting the curing structure or barn used for tobacco from each field and tract for traceability purposes? <sup>12</sup>	4, 2 (Air) 4 (Fire) 3(Flue)	RR	RR	NC*
Critical A, SV, DR	<b>Record the date that tobacco was placed in the curing structure and date it was removed.</b>	<b>Are the following records maintained for curing and barn management? For air and fire operations, date tobacco was placed in the curing structure and the date it was removed from curing structure<sup>12</sup></b>	<b>4, 2 (Air) 4 (Fire)</b>	<b>RR</b>	<b>RR</b>	<b>NC</b>
Additional Low A	AIR AND FIRE ONLY: Records of spacing of sticks and number of stalks per stick in air cured barns or structures.	Are the following records maintained for curing and barn management? Spacing of sticks in curing structure <sup>12</sup>	4, 2 (Air) 4 (Fire)	RR	RR	NC*
Additional Medium A	FIRE ONLY: Maintain records of firing procedures in the fire cured barns to include the number of firings and fuel used (i.e. slabs, sawdust, etc.)	Are the following records maintained for curing and barn management? For fire-cured operations, number of firings used for each barn and type of fuel used for each firing <sup>12</sup>	4, 4 (Fire)	RR	RR	NC*
Critical A, SV, DR	<b>FLUE ONLY: Have barn tests every 3 years and use only indirect fired barns with heat exchangers.</b>	<b>Are the following records maintained for curing and barn management? For flue-cured operations, verification that barn heating systems have passed testing for leaks within the past three years</b>	<b>4, 1 (Flue)</b>	<b>RR; P</b>	<b>RR</b>	<b>NC</b>

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

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Medium A	FLUE ONLY: Use some method or tool to monitor temperature and humidity in the barn. This includes a wet-bulb and a dry-bulb thermometer.	For flue-cured operations, can temperature and humidity be monitored during curing in barns?		VI	RRP	NC*
Additional Low A	FLUE ONLY: Use automated curing controls to measure temperature and humidity.	For flue-cured operations, are automated curing controls used?		VI	RRP	NC*
Additional Low A	FIRE ONLY: Monitor temperature in fire cured barns during firing.	For fire-cured operations, can temperature be monitored during firing in barns?		GI; VI	RRP	NC*
Additional High A	Have a documented program that allows for traceability of tobacco through curing and delivery.	Does grower have a documented program that allows for traceability of tobacco through curing and delivery (i.e. bail ID system, etc.)?	4, 2 (Air) 4 (Fire) 3 (Flue)	RR	RR	NC*
Critical A, SV, DR	<b>Have a documented safety program for air cured and fire-cured barns that includes inspection of tier rails and support beams for soundness, inspection of general barn soundness, removal of stored machinery, lumber and other items from barn floors that could enhance injury in falls. Ladders or steps should be installed and maintained to reach tiers.</b>	<b>For air and fire operations, is there a documented barn safety program, including inspection dates, hazards identified, and actions taken to reduce hazards?</b>	<b>4, 7</b> (Air & Fire)	RR	RR	NC
<b>NON-TOBACCO RELATED MATERIALS (NTRM)</b>						
Additional Medium A	Have designated break areas away from market prep area.	Does grower have designated areas for your workers to take a break that are away from the market preparation areas?		VI	RRP	NC*
Additional High A	Have at least one trash can in the market prep area. If market prep area is not currently in use, the trash cans that will be used to be visible.	Is there at least one trash can present in facilities/market preparation areas?		VI	RRP	NC*
Additional Medium A	Do not have tools with plastic handles in market prep area.	Do the tools and equipment in market preparation areas have metal or wooden handles?		VI	RRP	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional High A	Do not use brooms with synthetic bristles in market preparation area.	Do brooms used in market prep area have synthetic bristles?		VI	RRP	NC*
Additional High A	Regularly inspect market prep area and remove Non-Tobacco Related Materials (NTRM), keeping records of daily inspection dates when market preparation area is in use. If market prep area is not currently in use, a documented inspection program including an inspection checklist and log of dates needs to be available or if in Year 2 or 3 of Certification Program last year's inspection log.	Does grower have records kept of inspection of market prep area for NTRM while in use? <sup>11</sup>  Does grower inspect market preparation facilities for NTRM daily when in use? <sup>12</sup>	5, 3	GI; RR	RR	NC*
Additional Low A	FLUE-CURED: Use picking lines to reduce NTRM.	For flue-cured operations, does grower have picking lines?		VI	RRP	NC*
Additional Low A	FLUE-CURED: Use sand reels/leaf tumblers to reduce NTRM.	For flue-cured operations, does grower have sand reels?		VI	RRP	NC*
Additional Low A	AIR ONLY: Use a slotted stripping table with wire mesh cover or other stripping systems that permit dirt and other NTRM to freely fall out of the tobacco as it is stripped (stripping chains, stripping wheels, etc.)	For air and fire operations, does grower a slotted stripping table with wire mesh cover or other stripping systems that permit dirt and other NTRM to freely fall out of the tobacco as it is stripped (stripping chains, stripping wheels, etc.)?		VI	RRP	NC*
Additional Low A	Have a dedicated market prep and baling area with concrete, wood, or asphalt floor.	Does grower have a dedicated market prep area with a concrete, wood, or asphalt floor?		VI	NR	NC*

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

<sup>12</sup> If grower does not have records for current season, they can supply records for last year. New growers can show a template and discuss plans for how these records will be kept.

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
<b>ON-FARM TOBACCO STORAGE</b>						
Critical A, SV	Maintain a clean, dry tobacco storage area, with no treated wood in contact with tobacco, no storage of pesticides, petroleum products, paint, stains, fertilizers, or Styrofoam trays in storage area or other sources of taint that could contaminate the tobacco in storage area.	If tobacco is currently being stored, do storage facilities appear generally clean with no NTRM observed?  Are tobacco handling and storage areas free of liquid storage (pesticides, petroleum products, paint etc.) and preservative treated wood?		VI	RRP	NC
Additional Medium A	Have an enclosed storage area with doors and windows that can be secured, if windows present. Doors and windows can be closed.	Can doors and windows be secured on tobacco storage facilities?		VI	VI	NC*
Additional High A	Store baled tobacco may be stored on concrete floor, untreated wood floor, trailers, wagons, or truck beds.	Is baled tobacco stored on a concrete floor, untreated wood (floor or pallet), trailers, wagons, or truck beds?		VI; GI	VI or VIP	NC*
Critical A, SV	<b>AIR AND FIRE:</b> Ensure that livestock are excluded from curing and storage structures.	<b>For air and fire operations, are livestock excluded from curing and storage structures? If livestock are used to transport tobacco into the curing or storage structures the manure must be cleaned out immediately when tobacco is finished being unloaded.</b>		VI	NR	NC
<b>AGROCHEMICAL MANAGEMENT</b>						
Critical A, SV, DR	Maintain SDS sheets for all pesticides used in tobacco production.	Are SDS (Safety Data Sheets, formerly known as MSDS) for agrochemicals maintained at the farm?		RR	RR	NC
Critical A, SV, DR	Maintain copies of labels for all agrochemicals currently being used in tobacco production either on the container in storage, or in farm files. Does not include agrochemicals that are no longer in use and are not on the farm.	Copy of labels of CPAs applied, either on container in storage or in farm files? Does not include agrochemicals that are no longer in use.		RR	RR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Have a designated, lockable, dry (weather protected) pesticide storage area with proper signage. If no storage a grower must show receipts from a custom applicator or organic certification.	Are agrochemicals stored in designated enclosed, weather protected, lockable area with appropriate warning signs?		VI; P	RRP	NC
Critical A, SV	Ensure that agrochemicals are stored in original manufacturer's containers with labels attached or on file in agrochemical storage room.	Are agrochemicals stored in original manufacturer's containers with labels attached or on file in pesticide storage room? If there is no storage area a grower must show receipts from a custom applicator or organic certification.		VI; RR	RRP: RR	NC
Additional Medium A	Agrochemical storage with impermeable floor. This includes tubs, bins, containers with impermeable flooring that can hold more than the volume of agrochemical being stored.	Does agrochemical storage have an impermeable floor?		VI	NR	NC*
Additional Medium A	Agrochemical storage designed to retain runoff from spills and leakages. This includes tubs, bins, containers with impermeable flooring that can hold more than the volume of agrochemical being stored.	Is agrochemical storage designed to retain runoff from leaks and spills?		VI	NR	NC*
Additional Low A	Maintain a current inventory of agrochemical stocks in storage updated monthly if changes occurred within the month.	Is there a current inventory of all pesticides stored on the farm updated monthly (if changes occurred within the month)?	6, 1	RR	RR	NC*
Additional Medium A	Mix or transfer CPAs in containment areas away from runoff channels.	Do you mix or transfer CPAs in containment areas away from runoff channels?		VI	RR CAP	NC*
Critical A, SV	Dispose of agrochemical containers by either recycling through programs or sites designated for pesticide recycling OR triple-rinsing and punching or removing lid and taking them to appropriate landfill. Agrochemical containers cannot be burned.	Are agrochemical containers disposed of according to disposal requirements on product labels? Standard pertains to containers with chemical residue still in them. Prohibited disposal procedures include, but are not limited to, open dumping, open burning, water dumping and ocean dumping.		VI	NR	NC



Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Low A	Have a designated, fenced or otherwise lockable storage area for empty agrochemical containers that have not been tripled rinsed and punched pending disposal.	Is there a designated fenced or otherwise lockable storage area for empty pesticide containers that have not been tripled rinsed and punched pending disposal?		VI; P	RRP	NC*
Additional Low A	Properly dispose of non-hazardous waste products (i.e. move wastepaper, cardboard, plastic (other than pesticide chemicals) to a trash receptacle or recycle container. Burning non-hazardous waste is not acceptable.	How do you dispose of non-hazardous waste used in tobacco production (wastepaper, cardboard, plastic other than CPA containers)? Acceptable practices include recycling and landfill. Prohibited practices would include burning and keeping on the farm (i.e. on-farm trash pit, dumping site, etc.)		VI	RRP	NC*
Critical A, SV	<b>Properly segregate, store, recycle, or dispose of hazardous waste including but not limited to residual CPAs, fuel, oil, grease, paint, and batteries.</b>	<b>How do you dispose of hazardous waste used in tobacco production (including but not limited to residual agrochemicals, fuel, oil, grease, paint, and batteries)? Acceptable practices include recycling or a documented program that collects the hazardous waste from the farm or has a drop-off location(s). Grower should be prepared with documentation on program for audit.</b>		VI	NR	NC
Additional Medium A	Ensure that greenhouse float water is properly and legally disposed of.	If farm has a greenhouse used for transplant production, is transplant float water properly disposed of by allowing it to evaporate or, if all CPAs used are labeled for field use, applying it to tobacco fields?		GI	RR CAP	NC*
<b>SOIL AND WATER MANAGEMENT</b>						
Additional Medium A	Keep records of dates and amounts of irrigation water and maintain records of rainfall amounts during the growing season.	If applicable are the following records per field/tract maintained at the farm? a) Rainfall received; b) irrigation amounts	6, 2 & 3	RR	RR	NC*
Additional Low A	If you use irrigation, then use proper irrigation management methods, which include: a) Maintain equipment and piping to prevent leakage; b) Maintain runoff water.	Do you properly manage your irrigation system, which includes maintaining equipment and piping to prevent leakage?  Do you properly manage your irrigation system, which includes minimizing runoff water?		VI; GI	VI: RR CAP	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Medium A	Use cover crop or fall seeded crop following tobacco harvest.	Will you plant a cover crop this year following tobacco harvest this year?	6, 4	RR	RR	NC*
Additional Low A	In a single field do not plant tobacco annually. Instead, use a rotation of no more than two years of tobacco followed by at least two years in other non-solanaceae crops (solanaceae crops include tomatoes, eggplant, and peppers).	Is documentation of crop rotation history for current year and the two previous years maintained at the farm?  Does your current crop rotation prevent tobacco from being grown in the same field for three or more consecutive years?	6, 4	RR	RR; NR	NC*
Additional Low A	Use conservation tillage practices in tobacco production (i.e. minimum or reduced tillage, strip tillage, no tillage).	Are the following tillage practices implemented in tobacco production at the farm? a) Conventional tillage; b) minimum or reduced tillage; c) Strip tillage; d) No tillage		GI	NR	NC*
Additional Medium A	Use crops planted with conservation tillage practices or sod as rotation crops on highly erodible land if applicable.	Is sod or conservation tillage used in rotational crops on Highly erodible land?		GI	NR	NC*
Additional Low A	Use crops planted with conservation tillage or sod as rotation crops on all land (carbon sequestration by increasing soil organic matter).	Is sod or conservation tillage used in rotational crops on all land?		GI	NR	NC*
Critical A, SV, DR	<b>As required by law, maintain a conservation management plan approved by the soil and water conservation district for fields that are considered highly erodible land.</b>	<b>If field/tract is considered HEL (Highly Erodible Land), is there a conservation plan approved by the soil and water conservation district?</b>		RR	RR	NC
Additional High A	Use vegetated buffers between field and streams or lakes (minimum buffer distance is 33 feet).	Are there buffer zones present between tobacco fields and streams, lakes, and other natural bodies of water?		VI	RR CAP	NC*
Additional Low A	Maintain field borders/buffer strips along lower edges of fields and beside field ditches and drainage ways (minimum buffer distance is 33 feet).	Are vegetated field borders/buffer strips used along lower edges of fields and beside field ditches and drainage ways?		VI	RR CAP	NC*

**HOW YOU WORK MATTERS: Labor Certification Standards**

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

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

**All Hired Direct:** This includes all workers hired directly by grower or with the assistance of a personal attorney, approved H-2A agent, or approved H-2A agricultural association (i.e. NCGA, AWMA, VAGA, National Ag Consultants, and KY Farmers Aid). Does include apprenticeship/vocational workers but does not include immediate family farm labor.<sup>13</sup>

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

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

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

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

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

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

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>Recruiting, Hiring and Termination</b>							
Additional High A, DR	Maintain documentation of the number of permanent, local, seasonal, migrant, H2A, and immediate and non-immediate family workers.	All	Are records maintained that document the number of permanent, local, seasonal, migrant, H-2A, and immediate and non-immediate family workers?	7, 1	RR	RR	NC*
Critical A, SV, DR	<b>If there are H-2A workers on the farm obtain and keep a copy(s) of the ETA 790(s) and 790A(s) for all H-2A workers which must include the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number.</b>	H-2A Direct	<b>Do you have a copy of the ETA 790(s) and ETA 790A(s) for all workers that includes the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number?</b>		RR	RR	NC
Critical A, SV, DR	<b>If there are H-2A workers on the farm the grower's name (Primary or Associate), the name of the entity which the individual is a part of (member or employee), or farm location must be listed on all of the:</b> <ul style="list-style-type: none"> <li>• ETA 790(s) and ETA 790A(s)</li> <li>• ETA 9142A(s) (if requested)</li> </ul>	H-2A Direct	<b>Is the name of the grower (Primary or Associate) or the name of the entity which the individual is a part of listed on all of the ETA 790(s) and ETA 790A(s)?</b>  <b>If the ETA 9142A is requested, the grower (Primary or Associate) or the name of the entity which the individual is a part of must be listed on all the ETA 790(S) and ETA 790A(s)?</b>		RR	NR	NC
Critical A, SV, DR	<b>Growers should not employ unauthorized H-2A workers or allow H-2A workers under their employment to work on an unauthorized farm location. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790 and the ETA 9142A.</b>	H-2A Direct	<b>Are all H-2A workers on this farm authorized to work on the farm?</b>  <b>Have you knowingly allowed the H-2A workers on your farm to work on an unauthorized farm location?</b>		RR	NR	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV, DR	Complete and maintain a Form I-9 for each worker. Once the work commitment has terminated, grower keeps the Form I-9 for either three years after the date of hire, or one year after the date the work commitment is terminated, whichever is longer. Form I-9 is not required for immediate family <sup>14</sup> farm labor.	All Hired Direct	Do you have a completed I-9 form for each worker on your farm?		RR	Incomplete: RR None: NR	NC
Critical US ONLY A, SV, DR	If you hire more than 500 man-days of hired labor in any of the calendar quarters of the current year, at the time of <u>hire of seasonal workers</u> (excludes immediate family <sup>15</sup> farm labor) and at the time of <u>recruitment of migrant workers</u> the following must be <u>provided in writing</u> in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided.	All Hired Direct  A/V Exempt	<u>If there are more than 500 man-days of hired labor in any of the calendar quarters of the current year:</u> Are workers provided a written statement that describes, at minimum, the following terms and conditions of employment? <ul style="list-style-type: none"> <li>• Place of employment (name and address of employer)</li> <li>• Wage rates (including piece rates)</li> <li>• Crops and kinds of activities for which worker will be employed</li> <li>• Period of employment</li> <li>• Transportation, housing and other benefits to be provided, and costs charged for these benefits, if any</li> <li>• Whether state workers' compensation or state unemployment insurance is provided</li> </ul>	7, 2 & 3	RR; P; WI	RR; CAP	NC

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

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

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical International ONLY A, SV, DR	At the time of recruitment and at the time of hire, provide <u>all hired workers</u> (excludes immediate family <sup>16</sup> farm labor) a written disclosure describing the terms and conditions of their work commitment written in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided.	All Hired Direct	Are hired workers provided a written statement that describes, at minimum, the following terms and conditions of employment? <ul style="list-style-type: none"> <li>• Place of employment (name and address of employer)</li> <li>• Wage rates (including piece rates)</li> <li>• Crops and kinds of activities for which worker will be employed</li> <li>• Period of employment</li> <li>• Transportation, housing and other benefits to be provided, and costs charged for these benefits, if any</li> <li>• Whether state workers' compensation or state unemployment insurance is provided</li> </ul>	7, 2 & 3	RR; P; WI	RR; CAP	NC
Additional High A, DR	Maintain records concerning any worker who was terminated, the reason for such termination, and report to the proper authorities (important for H-2A). Termination records are not required for immediate family farm labor.	All Hired Direct A/V Exempt	Are records maintained for any termination, showing the worker's name, the reason for termination with appropriate documentation?	7, 4	RR	RR	NC*

<sup>16</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

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



Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical US Only A, SV	Growers must not employ or obtain services from any person who is younger than 16 years of age. Exceptions for utilizing a person under 16 years of age include the following: Youth excused from compulsory school attendance by applicable law, <u>and</u> youth involved in accredited learning programs can be assigned work tasks as long as the tasks relate directly to the learning experiences of the program and are in compliance with law.	All Hired Direct	Do you hire anyone under the age of 16 to work in your tobacco operation?		GI; WI	NR	NC
Critical US Only A, SV	Youth labor that is excused from compulsory school attendance by applicable law, <u>and</u> youth involved in accredited learning programs (apprenticeships or vocational programs) must have verification documentation.	A/V	Do you have documentation of compulsory school completion and enrollment in apprenticeship/vocational program for the workers under the age of 16 that work on your tobacco operation?		RR	RR	NC
Critical International Certification A, SV	Growers must not employ or obtain services from any person who is younger than 16 years of age.	All Hired Direct	Do you hire anyone under the age of 16 to work on your tobacco operation?		GI; WI	NR	NC
Critical A, SV	No hired worker under 18 may be assigned DOL hazardous tasks (Appendix 1 - List A).	All Hired Direct	Are hired workers under 18 restricted from DOL hazardous tasks?		GI; WI	RR CAP	NC
Critical International ONLY A, SV	No hired worker under 18 may be assigned Other Restricted Tasks (Appendix 1 - List B).	All Hired Direct	Are hired workers under 18 restricted from other restricted tasks?		GI; WI	RR CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Additional High A	If minors are employed on the farm, records that include, at minimum: Name in full, place where the minor lives while employed, permanent address, date of birth.	All Hired Direct	If minors are employed on the farm, do you maintain records that include, at minimum: 1) name in full; 2) place where the minor lives while employed; 3) permanent address (if different from current residence); 4) date of birth	7, 5	RR	RR	NC*
<b>Wage, Benefits and Working Hours</b>							
Critical A, SV, DR	Ensure that the pay of all workers (including for temporary, piece rates, seasonal, and migrant workers) meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers. Workers are exempt if they are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocation or apprenticeship program will be required.	All Hired Direct  A/V Exempt	Do you pay all your hired workers at a rate equal to the prevailing minimum wage (state or federal) or higher?		RR; WI	NR	NCR
Critical A, SV, DR	Ensure that workers are paid either daily, weekly, or bi-weekly.	All Hired Direct  A/V Exempt	How often do you pay your workers? [Daily, Weekly, Bi-weekly, Monthly, Other (specify)] If using H-2A workers, do you have an established day of the week for pay?		RR; WI	VI CAP	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV, DR	<p>Provide workers with individual written wage statements that remain in their possession for each pay period that include (wage statements are not required for immediate family<sup>17</sup> farm labor): Worker's full name; Worker's address (seasonal or permanent); Worker's social security number (last 4-digits is acceptable); Employer's name; Employer's address; Employer's identification number (entire number); Total pay period earnings; Number of hours worked; Basis on which wages are paid (piece rate if paid on a piecework basis); Number piecework units earned, if applicable; Specific sums withheld, and the purpose of each sum withheld; Net pay.</p> <p><b>NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required.</b></p> <p><b>Note: This Standard is above U.S. law requirements.</b></p>	All Hired Direct A/V Exempt	Do you provide all your workers with an individual wage statement that remains in their possession?		RR; WI	<p><b>Incomplete:</b> RR- Grower must provide two weeks worth of wage statements that include all items outlined in standard for remediation</p> <p><b>None:</b> NR</p>	NC
Critical A, SV, DR	Compensation must include all time under the grower's direction and control once worker initiates any work activity including short breaks (15 minutes or less) and time used to conduct training. This does not include transportation from housing to field to start and from the field to housing when work is complete.	All Hired Direct All Hired Indirect A/V Exempt			WI	RR; VI CAP	NC

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

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

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

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

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

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical International ONLY A, SV	Verify workers by the FLC/H-2ALC are 18 years of age or older by reviewing the worker's I-9 form.	All Hired Indirect	Do you maintain complete I-9 forms for workers provided by the FLC/H-2ALC or third-party?		RR; WI	Incomplete: RR None: NR	NC
Critical A, SV	Ensure no worker under 18 provided by the FLC/H-2ALC is assigned DOL hazardous tasks (Appendix 1 - List A).	All Hired Indirect	Are all workers hired through an FLC/H-2ALC under the age of 18 restricted from DOL hazardous tasks?		GI; WI	RR CAP	NC
Critical International ONLY A, SV	Ensure no worker under 18 provided by the FLC/H-2ALC is assigned other hazardous tasks (Appendix 1 - List A).	All Hired Indirect	Are all workers hired through an FLC/H-2ALC under the age of 18 restricted from other restricted tasks?		GI; WI	RR CAP	NC
Additional High A	If minors (under 18), provided by the FLC/H-2ALC, work on the farm records that include, at minimum must be maintained: Name in full, place where the minor lives while employed, permanent address, date of birth.	All Hired Indirect	If minors, provided by the FLC/H-2ALC, work on the farm, do you maintain records that include, at minimum: 1) name in full; 2) place where the minor lives while employed; 3) permanent address (if different from current residence); 4) date of birth	7, 5	RR	RR	NC*
Critical A, SV, DR	If a grower chooses to work with an individual defined as a FLC or H-2ALC by current U.S. laws they must be currently registered with the U.S. DOL and have a valid and non-expired Certificate of Registration.	All Hired Indirect	Is the individual you work with defined as a FLC or H-2ALC by current U.S. laws registered with the U.S. DOL and have a valid, non-expired Certificate of Registration?		RR	NR	NC
Critical A, SV, DR	Obtain and keep a copy of the FLC/H-2ALC's valid and non-expired Certificate of Registration.	All Hired Indirect	Do you have a copy of the FLC's/H-2ALC's Certificate of Registration with DOL?		RR	RRP	NC

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



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

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV, DR	Obtain and keep a copy of insurance if FLC or H-2ALC is authorized to transport.	All Hired Indirect	<p>If the Farm Labor Contractor/H-2ALC transports workers, do you have:</p> <ul style="list-style-type: none"> <li>a copy of their insurance (auto and workers comp)</li> <li>driver's license for all drivers</li> <li>doctor's certificate for all drivers</li> </ul>		RR	RR	NC
Critical A, SV, DR	Obtain and keep copy of the terms and conditions of their work commitment written in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided.	All Hired Indirect	Do you have copies of the terms and conditions of their work commitment written in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided?	7, 2 & 3	RR; P; WI	RR; CAP	NC
Critical A, SV, DR	Ensure that the pay of all workers provided by the FLC/H-2ALC meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers by either paying workers directly rather than through FLC/H-2ALC or ensure the FLC/H-2ALC provides wage statements to workers as legally required and grower obtains and keeps copies.	All Hired Indirect	Do the workers provided by the FLC/H-2ALC working on your farm receive pay at a rate equal to the prevailing minimum wage (state or federal) or higher?		RR; WI	NR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV, DR	<p>Ensure that all workers provided by the FLC/H-2ALC are provided with individual written wage statements that remain in their possession for each pay period that include: Worker's full name; Worker's address (seasonal or permanent); Worker's social security number (last 4-digits is acceptable); Employer's name; Employer's address; Employer's identification number (entire number); Total pay period earnings; Number of hours worked; Basis on which wages are paid (piece rate if paid on a piecework basis); Number piecework units earned, if applicable; Specific sums withheld, and the purpose of each sum withheld; Net pay.</p> <p>NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required.</p>	All Hired Indirect	Do the workers provided by the FLC/H-2ALC working on your farm receive an individual wage statement that remains in their possession?		RR; WI	<p>Incomplete: RR- Grower must provide two weeks' worth of wage statements that include all items outlined in standard for remediation</p> <p>None: NR</p>	NC
<b>Forced Labor and Human Trafficking</b>							
Critical A, SV	Workers shall be allowed to terminate their commitment at any time, without the threat of intimidation, coercion, blacklisting, or any other type of discrimination or retaliation.	All Hired Direct All Hired Indirect	Are workers free to terminate/ leave their employment at any time without fear of retaliation?		GI; WI	NR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Growers are prohibited from employing compulsory or prison labor.	All Hired Direct All Hired Indirect	Do you employ any form of compulsory labor or prison labor that is not voluntary and paid wages?		GI; WI	NR	NCR
Critical A, SV	All work must be voluntary and shall not be carried out under threat or duress. Growers must not recruit, transport, or receive workers using threats, force, coercion, abduction, fraud, or deceit or abuse of their power or the vulnerability of workers.	All Hired Direct All Hired Indirect	Do you use any form of forced or compulsory labor under bond, debt, or threat?		GI; WI	NR	NCR
Critical A, SV	Workers shall not be charged any fees for their recruitment or transport to their place of work, by the grower.	All Hired Direct All Hired Indirect	Do you charge workers any fees to be transported to your operation or to be employed?		GI; WI	VI CAP	NCR
Critical A, SV	Growers are prohibited from retaining workers' personal identity documents, visas, money, valuables, paychecks, debit or credit cards, or return tickets. Growers may provide, upon request, workers with safe place to store these items, but these items must be accessible to the workers upon request.	All Hired Direct All Hired Indirect	Does grower return or make readily available government issued documentation to workers upon verification of employment eligibility?		GI; WI	VI CAP	NCR
Critical A, SV	There shall be no restrictions on workers' freedom of movement, and workers shall be permitted to enter and exit their place of work.	All Hired Direct All Hired Indirect	Are workers allowed to enter and exit their place of work freely and without restrictions?		GI; WI	VI CAP	NCR

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

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

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

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Workers must not be subject to discrimination based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status.	All Hired Direct All Hired Indirect	Do you discriminate when hiring workers based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status?		GI; WI	NR	NC
Additional High A, DR	Have a documented Anti-Discrimination Policy.	All Hired Direct All Hired Indirect	Do you have an Anti-Discrimination Policy?	8, 4-5	RR	RR	NC*
<b>Sanitation, Housing, and Transportation</b>							
Critical A, SV	Growers must provide workers access to the following as required: <ul style="list-style-type: none"> <li>• Cool, potable water available during work hours</li> <li>• Clean and sanitary bathroom facilities during work hours</li> <li>• Hand washing facilities with soap at close proximity to bathrooms</li> </ul>	All Hired Direct All Hired Indirect	Are workers provided safe drinking water during work hours?  Are workers provided clean and sanitary bathroom facilities during work hours?  Are workers provided hand washing facilities with soap at close proximity at all times?		VI; WI	VI CAP	NCR



Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Grower operations with eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations must provide clean and sanitary bathroom facilities during work hours and hand washing facilities with soap at close proximity within a quarter-mile walking distance from worker's place of work in the field. Toilet and handwashing facilities are not required within a quarter mile for workers who perform field work for a period of three (3) hours or less (including transportation time to and from the field) during the day.	All Hired Direct  All Hired Indirect	If grower operations have eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations: Do they provide clean and sanitary bathroom facilities during work hours? Grower must provide proof of purchase, rental or cleaning/servicing services. If a receipt cannot be produced for facilities owned by grower the field sanitation log can be used.  If grower operations have eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations: Do they provide hand washing facilities with soap at close proximity within a quarter-mile walking distance from worker's place of work in the field? Grower must provide proof of purchase, rental or cleaning/servicing services. If a receipt cannot be produced for facilities owned by grower the field sanitation log can be used.	9,5	VI; RR; WI	VI CAP	NCR
Critical A, SV	Growers must offer workers rest breaks during the day, including lunch, without compromising their ability to earn wages.	All Hired Direct  All Hired Indirect	Do you provide workers with breaks during the day, including lunch, without compromising their ability to earn wages?		GI; WI	VI CAP	NCR
Critical A, SV, DR	If the grower provides housing directly to seasonal workers, the grower must: Ensure that the facility complies with all federal and state safety and health standards, including up-to-date certification from DOL or other appropriate governmental agencies.	All Hired Direct  All Hired Indirect	If housing is provided to seasonal workers, is there up-to-date safety inspection certification from a government agency posted?  What is the date of the housing inspection?		RR; P	RR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Additional High A	If the grower provides housing directly to seasonal workers, the grower must: Inspect housing prior to occupancy and at mid-season, using the OSHA Housing Safety and Health Checklist Provided in Agricultural Labor Management Guide.	All Hired Direct  All Hired Indirect	Do you have a copy of the OSHA Housing Safety and Health Checklist?  Do you inspect the housing on a regular basis or at least at mid-season using the OSHA Checklist?		RR	RR	NC
Critical A, SV, DR	If the grower provides housing directly to seasonal workers, the grower must: Post or present to each worker, in their native language a statement of the terms and conditions of occupancy which must include: name and address and contact information of the individual in charge of the housing, emergency contact information, physical address and mailing address of the housing facility, who may live at the housing facility, charges to be made for housing, meals to be provided and any associated costs for them, charges for utilities, any other charges or conditions of occupancy.	All Hired Direct  All Hired Indirect	If housing is provided to migrant workers, is there a posted and filed statement at the farm that includes, at minimum, the following terms and conditions of occupancy? <ul style="list-style-type: none"> <li>• Name and address of individual in charge of housing and owner of the housing, if different</li> <li>• Phone number of the person in charge of the housing</li> <li>• Mailing address and phone number where persons living in the housing facility may be reached</li> <li>• Names of occupants of the housing facility</li> <li>• Housing, utility and other charges, if any</li> <li>• Meals to be provided and costs charged</li> <li>• Any other conditions of occupancy</li> </ul>	9, 1	RR; VI; P	RR; VI	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV, DR	If transportation is provided, growers must ensure that vehicles meet legally required safety standards and that drivers are properly licensed and insured. Vehicles must be inspected when required by law, and person supplying the transportation must maintain inspection records.	All Hired Direct	Do you provide a transport vehicle for the workers' use?	9, 2-4	RR	RR	NC
		All Hired Indirect	Are drivers properly insured and licensed?				
			Is the transport vehicle inspected to ensure it is safe?				
			Do you have inspection records for the transport vehicle?				
		Do the vehicles used to transport workers appear in good condition (i.e. safe to drive)?					
<b>Farm Safety</b>							
Growers should provide a safe and healthy workplace by complying with the standards below and all applicable safety, health and environmental laws and regulations. Growers must:							
Critical A, SV, DR	Maintain records of all work-related accidents and illnesses serious enough to interfere with the workers' ability to perform their job and/or otherwise required by occupational safety and health laws. Records of all work-related accidents must be maintained at the worksite for at least five years.  Note that GAPC requires previous and current year information. Please review the questions for more details.	All	a) Do you have OSHA's Form 300A (Summary of Work-Related Injuries and Illnesses) <u>from previous year ending December 31</u> ? <i>Completed even if "0" injuries or illnesses occurred.</i>  d) If operation had a recordable injury or illness <u>this year</u> , is the OSHA's Form 301 (Injury and Illness Incident Report) completed? (within seven (7) days after you are notified of a recordable injury or illness, you must complete the OSHA Form 301)  e) Do you have OSHA's Form 300 (Log of Work-Related Injuries and Illnesses) <u>for the current year including: Year, Establishment name, City, and State</u> . Form 300 includes information on	10, 1-3	RR	RR	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
			each work-related injury and illness reported on OSHA Form 301.				
Critical A, SV, DR	From February through April, growers must post a summary of the injuries and illnesses recorded the previous year (OSHA Form 300 A)	All	b) Was the <u>previous year's</u> 300A summary posted from February through April? c) If operation has 20-250 workers, was the <u>previous year's</u> OSHA Form 300A submitted by March 2 through the Injury Tracking Application?		GI	RR CAP	NC
Critical A, SV	Review accident records periodically for guidance on avoiding future injuries.	All	Are accident and injury records periodically reviewed to avoid future injuries?		GI	RR CAP	NC
Critical A, SV	Follow Occupational Safety and Health Administration (OSHA) guidelines with respect to addressing GTS and heat stress risks.	All	For workers working with wet tobacco, are precautions taken to limit exposure to wet tobacco and measures in place to prevent Green Tobacco Sickness (GTS)?  What precautions are taken?		GI; WI	RRP; RR CAP	NC
Critical A, SV	Take precautions to limit worker exposure to wet tobacco and ensure adequate measures are in place to prevent GTS.	All	For workers working with wet tobacco, are precautions taken to limit exposure to wet tobacco and measures in place to prevent Green Tobacco Sickness (GTS)?  What precautions are taken?		GI; WI	RRP; RR CAP	NC
Critical A, SV	Identify risks on the farm such as those involved in operating machinery/equipment, adverse weather conditions, agrochemical applications, etc. and train workers on how to avoid and protect themselves from such risks.	All	Do you identify risks involved with operating machinery or equipment, bad weather conditions, agrochemicals, etc. and train workers on how to avoid and protect themselves from such risks?		GI	GI	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Follow the legal requirements that restrict workers from entering an area where agrochemicals have been used, and as legally required, post signs designating re-entry times for specific fields after agrochemical application.	All	Do you prevent workers from entering a field sprayed with agrochemicals before the REI has passed?		GI; VI; WI	RRP	NC
Critical A, SV	Have a dedicated emergency contact person for all workers.	All	Do you have a dedicated emergency contact person for all of your workers?  Who is the dedicated emergency contact person?		GI; RR	RR	NC
Critical A, SV	Provide access to Emergency Medical Services (EMS).	All	Do you provide your workers with access to emergency medical services (EMS)?	10, 11	GI; RR; WI	RRP	NC
Critical A, SV, DR	Provide workers with an emergency plan for medical emergencies, fires, or weather events.	All	Do you have a written emergency plan for your workers in case of medical emergencies, fires, or weather events?	10, 8-16	RR; WI	RR	NC
Additional High A	Have a staff member (or grower) certified in First Aid/CPR/AED training.	All	Do you have anyone on your farm that is certified in First Aid/CPR/AED training?		RR	RR	NC*
<b>Training</b>							
Grower documents training to farm workers on the hazards and risks associated with agrochemicals, safe working practices, emergency response and health surveillance including:							
Critical A, SV, DR	Heat Stress	All	Is there documentation verifying that workers received instruction on heat stress?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Farm Safety, including Farm Equipment Safety	All	Is there documentation verifying that workers received instruction on general farm safety and safe operation of farm equipment and machinery?	10, 17	RR; WI	RR CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV, DR	Carbon Monoxide Poisoning Prevention (if applicable)	All	Is there documentation verifying that workers received instruction on (for dark-fired operations only) prevention of carbon monoxide poisoning?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Pesticide Safety and Personal Protective Equipment (PPE)	All	Is there documentation verifying that workers received instruction on use of PPE (Personal Protective Equipment)?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Green Tobacco Sickness (GTS)	All	Is there documentation verifying that workers received instruction on Green Tobacco Sickness (GTS) (symptoms and treatments)?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Emergency response procedures	All	Is there documentation verifying that workers received instruction on emergency response procedures?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Recognition of REI	All	Is there documentation verifying that workers received instruction on recognition of REI?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Storage, handling, application, and disposal of CPAs	All	Is there documentation verifying that workers received instruction on storage, handling, application, and disposal of tobacco agrochemicals?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	Grower follows all requirements of state and national regulations and training requirements related to worker protection and agrochemical use.	All	Is there documentation verifying that workers received instruction on required worker protection standard training?	10, 17	RR; WI	RR CAP	NC
Critical A, SV, DR	NTRM Prevention	All	Is there documentation verifying that workers received instruction on NTRM Prevention?	10, 18	RR; WI	RR CAP	NC
Additional High A	Proper baling and market separation of tobacco	All	Is there documentation verifying that workers received instruction on proper baling and market preparation of tobacco?	10, 18	RR; WI	RR CAP	NC*

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Additional High A	For air-cured and fire-cured operations only, grade separation	All	Is there documentation verifying that workers received instruction on (for air-cured and fire-cured operations only) grade separation?	10, 18	RR; WI	RR CAP	NC*
<b>Safety Equipment</b>							
Personal protective equipment (PPE) will be evaluated based on tasks performed by workers. PPE should be available to all those workers performing tasks that require PPE.							
Critical A, SV	Use label required PPE by applicators/handlers/early entry workers	All	Is agrochemical label required personal protective equipment (PPE) use required for applicators, handlers, and early entry workers?		VI; WI	VI	NC
Critical A, SV	Gloves and water-resistant clothing for workers working with wet tobacco	All	Do workers have access to the following equipment? Gloves and water-resistant clothing for workers working with wet tobacco		VI; WI	VI	NC
Critical A, SV	Chemical resistant gloves for anyone handling or applying agrochemicals	All	Do workers have access to the following equipment? Chemical resistant gloves for anyone handling or applying agrochemicals		VI; WI	VI	NC
Critical A, SV	Chemical resistant aprons for anyone mixing or loading agrochemicals	All	Do workers have access to the following equipment? Chemical resistant aprons for anyone mixing or loading agrochemicals		VI; WI	VI	NC
Critical A, SV	Chemical resistant footwear for anyone mixing or loading agrochemicals	All	Do workers have access to the following equipment? Chemical resistant footwear for anyone mixing or loading agrochemicals		VI; WI	VI	NC
Critical A, SV	Safety glasses for workers applying or handling agrochemicals or performing jobs which can create flying objects that damage eyes such as grinding, sawing, driving nails, etc.	All	Do workers have access to the following equipment? Safety glasses for workers applying or handling agrochemicals or performing jobs which can create flying objects that damage eyes such as grinding, sawing, driving nails, etc.		VI; WI	VI	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	Hearing protection equipment for workers operating machinery or power tools	All	Do workers have access to the following equipment? Hearing protection equipment for workers operating machinery or power tools		VI; WI	VI	NC
Critical A, SV	Dust masks for workers handling cured tobacco or operating machinery or power tools under dusty conditions	All	Do workers have access to the following equipment? Dust masks for workers handling cured tobacco or operating machinery or power tools under dusty conditions		VI; WI	VI	NC
Additional High A	Have adequately maintained farm vehicles, machinery and tools with the originally installed guards, shields or other protections as per manual/guidance provided by manufacturer or dealer of equipment.	All	Does tobacco production equipment have guards or shields where originally installed?		VI	VI	NC*
Additional High A	Have adequate first aid equipment for the number of their workers for the grower's tobacco production operation.	All	Is a first aid kit present and available at the edge of the field or in the field whenever workers are working in that field?  Is a first aid kit available within the facility or in a vehicle within 200 feet of the facility in the case of curing barns, greenhouses, market preparation areas, machinery sheds, etc. whenever workers are performing work tasks there?  Is a first aid kit available in vehicles used to transport workers on the farm?		VI; WI	VI	NC*
Additional High A	Have fire extinguishers available within two hundred feet of curing barns when workers are present.	All	Are fire extinguishers present in the following areas when workers are present? (can be in vehicles) a) Near barns (within 200 feet); b) Near market preparation facilities (within 200 feet)		VI; WI	VI	NC*



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

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- Worker interviews will be conducted (monitoring Activity must be conducted on-farm)
- Minimum age for workers hired by FLC or H-2ALC:
  - 16 for U.S. Certification (no worker under 18 can be assigned DOL hazardous tasks)
  - 18 for International Certification
- Verify Terms and Conditions of Employment with the FLC and by speaking to workers
- Understand field sanitation requirements and who will be responsible for needed items such as potable drinking water, single-use cups, toilets and handwashing facilities with soap and single-use towels
- Discuss and decide who (Grower or FLC) will provide training for workers.
- If H-2ALC verify the following with the H-2ALC, within the Terms and Conditions of Employment, and by speaking to workers:
  - Housing is provided at no cost to H-2A workers and to worker in corresponding employment who are not reasonably able to return to their residence within the same day.
  - Three meals are provided to each covered worker with three meals per day, at no more than the DOL specified cost, or furnished free and convenient cooking and kitchen facilities where workers can prepare their own meals.
  - All transportation is provided including inbound and outbound as well as daily transportation at no cost.

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

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

## Appendix B: DOL Hazardous Tasks related to Tobacco Production (US and International Certification)

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- Operating a tractor of over 20 power-take-off (PTO) horsepower or connecting or disconnecting an implement or any of its parts to or from such a tractor.
- Operating or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines: the unloading mechanism of a non-gravity-type self-unloading wagon or trailer or power post hole diggers, power post driver, or non-walking type rotary tiller.
- Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines: trencher or earthmoving equipment; forklift; or power-driven circular, band, or chain saw.
- Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
- Driving a bus, truck, or automobile when transporting passengers or riding on a tractor as a passenger or helper.
- Handling or applying toxic agricultural chemicals (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying such chemicals). Such toxic chemicals are identified by the word “poison,” or “warning,” or are identified by a “skull and crossbones” on the label. List B: International Restricted Tasks (for youth under 18 years of age)
- Harvesting, topping, suckering tobacco.
- Operating machinery with moving parts or moving vehicles.
- Use of tools requiring motion for cutting (e.g., machete) or shears.
- Handling and application of crop protection agents (agrochemical) or fertilizers.
- Lifting and handling heavy loads unless the load is less than 10% of the person’s body mass.
- Working at heights greater than four feet without approved fall protection equipment.
- Work at night (30 minutes after sundown to 30 minutes before sunrise).
- Working in intense hot weather, humidity or direct sunlight unless guidance on the GTS and Heat Stress Bulletin and precautions in the OSHA Heat Safety Tool and “Using the Heat Index: A Guide to Employees” are followed. Ready access to cool, potable water is required.
- Working long hours (more than 8 hours in a 24-hour period).

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

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

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

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

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

	U.S. Certification	International Certification
<p><b>Immediate Family</b></p> <p><i>(Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.)</i></p>	<p>Comply with Federal and State Law</p> <p>Federal Law<sup>19</sup>: Youth of any age may work at any time in any job on a farm owned or operated by their parent or person standing in place of their parent.</p>	<ul style="list-style-type: none"> <li>• Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.</li> <li>• Immediate family members ages 16 – 17 cannot be assigned any DOL hazardous tasks or other restricted tasks.</li> <li>• Ensure that a responsible adult is always present and supervising the child’s work, and that you follow regulations on the number of hours a child is permitted to work. Furthermore, children are not permitted to work at night.</li> </ul>
<p><b>Hired Labor Minimum Age</b></p>	<p>Growers must not employ or obtain services from any person who is younger than 16 years of age with this exception:</p> <ul style="list-style-type: none"> <li>• Youth is excused from compulsory school attendance by applicable law, and</li> <li>• youth is involved in accredited learning programs if the work tasks relate directly to the learning experiences of the program and follow federal and state law.</li> </ul>	<p>Growers must not employ or obtain services from any person who is younger than 16 years of age.</p>
<p><b>Hired Labor Tasks for Minors</b></p>	<p>No hired worker under 18 may be assigned DOL hazardous tasks.</p>	<p>No hired worker under 18 may be assigned DOL hazardous tasks and other restricted tasks.</p>
<p><b>FLC Hired Labor Minimum Age</b></p>	<p>Verify workers are 16 years of age or older by reviewing the worker’s I-9 form.</p>	<p>Verify workers are 18 years of age or older by reviewing the worker’s I-9 form.</p>
<p><b>FLC Hired Labor Tasks for Minors</b></p>	<p>No hired worker under 18 may be assigned DOL hazardous tasks.</p>	<p>No hired workers hired by a FLC under 18 are allowed to work on operation.</p>

<sup>19</sup> <https://www.youthrules.gov/know-the-limits/agriculture/index.htm>

## Appendix E: Appeals Process

### Introduction

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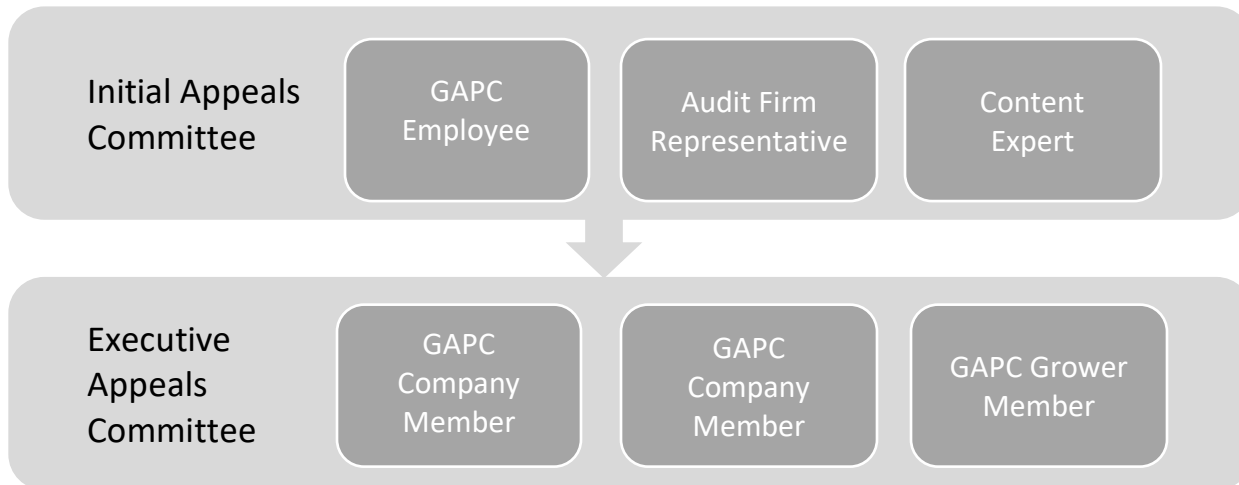
There may be situations in which GAPC Grower Members who participate in the GAPC Certification Program do not agree with the monitoring or investigative Activity findings. Thus, GAP Connections offers an appeal process for these growers. The appeals policy requires GAPC grower members to write a formal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

### Committee Structure:

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

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



## Appeals Process

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The appeals process begins when the grower member submits an appeal with respect to his/her certification findings. The GAPC grower member must submit a formal written appeal, any supporting documentation, and an initial appeal fee of \$200<sup>20</sup> to GAP Connections within 30 days from the date GAPC issues notice of Certification or denial of Certification. The party responsible for the remaining costs of the appeal will be dependent upon the outcome of the appeal. The GAPC grower member will pay for any additional costs if the appeal is denied (i.e. legal, investigation/review of documentation, etc.). If the appeal is approved GAP Connections will refund the initial appeal fee and GAP Connections will be responsible for any remaining costs associated with the appeals process.

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

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

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

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<sup>20</sup> The appeals fee will be a fixed fee paid by the grower to cover the costs of content experts and the auditor who are involved in the Initial Appeals Committee.

## Appendix F: Glossary of Terms

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**Agricultural Association:** Any nonprofit or cooperative association of farmers, growers, or ranchers (including but not limited to processing establishments, canneries, gins, packing sheds, nurseries, or other similar fixed-site agricultural employers), incorporated or qualified under applicable State law, that recruits, solicits, hires, employs, furnishes, houses, or transports any worker. An agricultural association may act as the agent of an employer or may act as the sole or joint employer of any worker.

**Agricultural Employer:** An individual, a partnership, or corporation who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any worker. The employer defines the terms of employment for employees and provide the agreed-upon terms such as wages or salary.

**Agricultural Employment:** Employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)) and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)) and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

**Agrochemical:** an agricultural chemical, a chemical used in agriculture, such as a pesticide or a fertilizer such as insecticides, herbicides, fungicides, or nematicides.

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

**Employee/Worker:** A person who works for another in return for financial or other compensation. Fair Labor Standards Act (FLSA) defines an employee as distinguished from a person who is engaged in a business of his or her own, is one who, as a matter of economic reality, follows the usual path of an employee and is dependent on the business which he or she serves. Some of the factors relevant to the determination of employee status include: The hiring party's right to control the manner and means by which the work is accomplished; the skill required to perform the work; the source of the instrumentalities and tools for accomplishing the work; the location of the work; the hiring party's discretion over when and how long to work; and whether the work is part of the regular business of the hiring party. Other applicable factors may be considered and no one factor is dispositive.

**Employer:** An individual or an organization in the government, private, nonprofit or business sector that hires and pays people for their work and has the ability to hire, pay, fire, supervise or otherwise control the work of employee.

**Family (for Associate Grower purposes):** an individual to whom a person is related to such as spouse, parent, child (including legally adopted children), sibling, cousin, great grandparent, grandparent, and great grandchildren. This definition is only used when defining Associate Growers. Please review the definition for Immediate Family for the definition that applies to the GAPC Certification Standards.

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

**Farm Labor Contractor (FLC):** any person, other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association, who for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity, recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker.

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

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

**H-2A Agent:** A legal entity or person, such as an association of agricultural employers, or an attorney for an association, that:

- 1) Is authorized to act on behalf of the employer for temporary agricultural labor certification purposes;
- 2) Is not itself an employer, or a joint employer, as defined in this subpart with respect to a specific application; and
- 3) Is not under suspension, debarment, expulsion, or disbarment from practice before any court, the Department, the Executive Office for Immigration Review, or DHS under 8 CFR 292.3 or 1003.101.

Grower is responsible for all phases of compliance.



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

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

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

**H-2A Program:** The H-2A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle, and requires labor levels above what is necessary for ongoing operations. Employment is of a temporary nature when the employer's need to fill the position with a temporary worker will, except in extraordinary circumstances, last no longer than one year. ([Fact Sheet #26](#)<sup>21</sup>) Please refer to 20 CFR Part 655 for all requirements for H-2A and correspondent employment.

The Department must determine that:

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

H2A workers and domestic workers in corresponding employment must be:

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

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<sup>21</sup> <https://www.dol.gov/agencies/whd/fact-sheets/26-H2A#:~:text=Fact%20Sheet%20%2326%3A%20Section%20H-2A%20of%20the%20Immigration,applications%20submitted%20on%20or%20after%20March%2015%2C%202010.>

**H-2A Worker:** Any temporary foreign worker who is lawfully present in the U.S. and authorized by DHS to perform agricultural labor or services of a temporary or seasonal nature pursuant to 8 U.S.C. 1101(a)(15)(H)(ii)(a), as amended. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle, and requires labor levels above what is necessary for ongoing operations.

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

**H2A Worker:** nonimmigrant worker through the H2A program to perform temporary or seasonal agricultural work including but not limited to planting, cultivating or harvesting labor.

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

**Migrant Agricultural Worker:** Migrant agricultural worker means an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence. Migrant agricultural worker does not include:

- (i) Any immediate family member of an agricultural employer or a farm labor contractor; or
- (ii) Any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and Nationality Act.

Migrant workers usually do not have the intention to stay permanently in the country or region in which they work. A migrant worker is defined in the International Labour Organization (ILO) as a person who migrates from one country to another (or who has migrated from one country to another) with a view to being employed other than on his own account, and includes any person regularly admitted as a migrant.

**Migrant and Seasonal Agricultural Worker Protection Act (MSPA):** U.S. law that provides for the protection of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural labor ([Fact Sheet #49](#)<sup>22</sup>). MSPA requires FLC, agricultural employer, and agricultural association which recruits any migrant agricultural worker shall ascertain and disclose in writing to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

- Place of employment
- Wage rates to be paid
- Crops and kinds of activities on which the workers maybe employed
- Period of employment
- Transportation, housing, and any other employee benefit to be provided, if any, and costs to be charged for each of them
- Existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment

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<sup>22</sup> <https://www.dol.gov/agencies/whd/fact-sheets/49-mspa>

- Existence of any arrangements with any owner or agent of any establishment in the area of employment under which the FLC, agricultural employer or agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers
- Whether State workers' compensation insurance is provided, and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of any injury or death, and the time period within which such notice must be given.

MSPA also requires:

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

Please refer to 29 CFR Part 500 for all the applicable requirements under MSPA

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

**Seasonal Worker:** an individual who is employed in agricultural employment of a seasonal or other temporary nature and is not required to be absent overnight from his permanent place or residence (defined in MSPA). Does not include (1) any migrant agricultural worker, (2) any immediate family member of an agricultural employer or a farm labor contractor; or (3) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and Nationality Act.