

Protected Harvest Certification Manual

2021 LODI RULES for Sustainable Winegrowing



PO BOX 8179
Santa Cruz, CA 95061
831.477.7797
protectedharvest.org
certification@protectedharvest.org

I. Table of Contents

I. Table of Contents	1
II. Introduction.....	2
About Protected Harvest.....	2
LODI RULES for Sustainable Winegrowing	3
Roles.....	3
III. The Protected Harvest Certification Process.....	4
The Standards	4
Pesticide Risk Tool: Pesticide Environmental Assessment System (PEAS)	8
Geographic Limitation of the Standards	9
Online Application	9
Record Keeping	10
Fees	11
Self-Assessment	11
Confidentiality	12
Audits	12
Certification Decisions.....	14
Certification Denial or Suspensions.....	14
Appeals and Disputes.....	15
Voluntary Withdrawal.....	16
Complaints Investigation	16
Federal, State and Local Laws.....	16
IV. Winery Handler Certification.....	16
V. Use of Certification.....	17
Representation of Certified Products	17
Use of the LODI RULES, CALIFORNIA RULES, and RULES FOR SUSTAINABLE WINEGROWING “Certified Green” Seals.....	17
Use of the Protected Harvest Consumer Logo.....	17
VI. Amending the Standards.....	18
Protected Harvest Process for Consideration of Revisions	18
VII. Appendix A: Additional Fee Schedule	20

II. Introduction

Welcome to LODI RULES! Protected Harvest and the Lodi Winegrape Commission welcome new growers joining the program, as well as growers continuing with the program. This manual is meant to explain the certification process.

About Protected Harvest

Protected Harvest is a 501(c)(3) nonprofit organization in Santa Cruz, California, with the principal mission to advance use and adoption of quantifiable sustainable agriculture standards. Protected Harvest functions first and foremost as an independent certifier, but also conducts reviews of standards developed by industry-leading organizations, to provide third-party validation and confirm they are based on sound science and designed to promote continuous improvement.

The Protected Harvest Board of Directors is comprised of farmers, agricultural experts, environmental scientists, training providers, and supply chain sustainability experts. Each board member performs their function with the highest standard of care acting as stewards and fiduciaries to ensure the long-term financial viability of the organization. As a combined entity, the Board of Directors governs and oversees the non-profit organization's interests with quarterly board meetings, fundraising activities, and ongoing review calls with the operations team.

For more information about Protected Harvest, visit protectedharvest.org. Protected Harvest's contact information is:

Protected Harvest
PO BOX 8179
Santa Cruz, CA 95061
831.477.7797
certification@protectedharvest.org

Protected Harvest contracts Muser Consulting to conduct audits for LODI RULES. Muser Consulting has many years of experience working in the wine industry and expertise conducting third-party audits for winegrape growers. Muser Consulting's contact information is:

Muser Consulting
Heather Muser, Ed.D.
679 Canyon Creek Way
Galt, CA 95632
209.810.1966
muserconsulting@gmail.com

LODI RULES for Sustainable Winegrowing

LODI RULES for Sustainable Winegrowing Certification Standards are California's first sustainable winegrowing standards that have been peer reviewed by scientists, academics and environmentalists and implemented on a region-wide basis. These standards, originally accredited in 2005, were updated and peer-reviewed in the latter part of 2012. In 2017, the Standards were edited for clarity and consistency, so be sure to obtain the 2017 Third Edition binder from the Lodi Winegrape Commission or the PDF files from lodigrowers.com/standards.

The LODI RULES for Sustainable Winegrowing Program, based on the Lodi Winegrower's Workbook, was developed by the Lodi Winegrape Commission. The farming standards are designed to lead to measurable improvements in the environmental health of the surrounding ecosystem, society-at-large, and wine quality. Participating growers have their vineyards certified as producing sustainably grown winegrapes.

The LODI RULES for Sustainable Winegrowing Program has two main components: sustainable winegrowing standards and a pesticide risk model that measures the risk to humans and the environment posed by all the pesticides, whether organic or synthetic, used in a vineyard during the year. The risk model used from 2005 to the present is the Pesticide Environmental Assessment System (PEAS).

To qualify for certification, a vineyard must achieve a minimum number of sustainable farming practices points based on the LODI RULES for Sustainable Winegrowing Certification Standards, and not exceed a maximum number of pesticide impact points calculated using PEAS. Certification is awarded to an individual vineyard on an annual basis. The Protected Harvest auditing process ensures compliance and chain-of-custody with LODI RULES.

The developers of PEAS have updated the model and renamed it the Pesticide Risk Tool (PRT). See page 8 for using PEAS during the period of transition to using PRT.

Roles

Roles among the Lodi Winegrape Commission, Protected Harvest, and the auditing firm are clearly defined. The Lodi Winegrape Commission is the creator and owner of the LODI RULES for Sustainable Winegrowing Certification Standards. They provide leadership and direction for the program, host grower meetings, and promote LODI RULES certified sustainable grapes to the industry and consumers.

Protected Harvest is the independent third-party certifier and standards reviewer. Protected Harvest administers the LODI RULES certification process, including managing the application process, collection of fees, and the online self-assessment process.

All audits are performed by an independent third-party auditing firm qualified to audit farm records, perform site visits, and provide feedback on grower certification based on an applicant's compliance with LODI RULES for Sustainable Winegrowing Certification Standards and policies. Protected Harvest contracts an independent, qualified third-party auditor, ensuring quality and consistency in the auditing process and the scheduled inspections of LODI RULES-enrolled vineyards. The third-party auditor is responsible for record review, scheduling and conducting on-site audits, and providing audit findings to Protected Harvest.

Final certification decisions are made by Protected Harvest after review of the auditor's feedback delivered in the form of a summary report. Certificates are issued by Protected Harvest.

III. The Protected Harvest Certification Process

The certification process spans the growing season starting with post-harvest in the previous calendar year through harvest of the current calendar year and requires that you be familiar with several aspects of the program early on. Please read through the whole process to ensure familiarity before applying.

The Standards

Certification begins with the LODI RULES for Sustainable Winegrowing Certification Standards, which are periodically updated. You must read and fully understand these standards before you apply for certification, since the farming practices used throughout the year must be consistent with these to gain certification. A copy of the latest 2017 version is available as a PDF at lodigrowers.com/standards or as a binder by request from the Lodi Winegrape Commission at 209.367.4727.

The Standards were developed using a collaborative process with input from winegrape growers, agriculture scientists, and environmental specialists, then peer reviewed by academic experts. A final review and approval were carried out by the Protected Harvest Board of Directors – a group of farmers, agricultural experts, environmental scientists, training providers, and supply chain sustainability experts. The LODI RULES for Sustainable Winegrowing Certification Standards contain approximately 120 best management practices in the areas of Business Management, Human Resources Management, Ecosystem Management, Soil Management, Water Management, and Pest Management.

The Standards come in three basic forms. One form is a Yes/No question, which usually indicates that a specific management plan has been written and implemented (e.g. Standard 2.1 on the following page). It is wise to start developing management plans as early as possible once you have decided to apply for the program. For help with plan writing, contact the Lodi

Winegrape Commission at 209.367.4727, refer to Tab 10 in the newest LODI RULES binders, or check out the Management Plan Webinars available at lodigrowers.com.

2.1 Human Resources Plan

The farming operation has a written and implemented human resources plan containing the following components: company mission, vision, and values; company strategy for human resources; staffing and recruiting procedures; training and development protocols; employee performance management and employee relations strategies; compensation and benefits; record keeping policies; and a plan review and update schedule.	YES = 6
	NO = Fail Chapter

The second form is a standard that deals with a specific farming practice or issue that has three or more levels. Incrementally more points are awarded as one goes from the bottom level, for which one gets no points and is considered basic compliance, to the top level, which requires the most to be done for that practice and gets the maximum points (e.g. Standard 3.5.1, below).

3.5.1 Woodland Buffer Type

A. The farming operation has enhanced the buffer around woodlands with <u>California native vegetation</u> .	3
B. <u>Non-native vegetation</u> grows around the woodlands.	2
C. There is a <u>non-vegetative buffer</u> around the woodlands.	1
D. The farming operation <i>does not use buffer strips</i> in woodland management.	0

The third type of standard is structured such that a grower can “Select all that apply” (e.g. Standard 5.12 on the following page). These standards are divided into multiple practices, each worth one point. Growers may take points for any number of practices listed.

5.12 Irrigation Initiation and Scheduling

Which of the following techniques are used to monitor vineyard moisture?

Select all that apply:

<p>5.12.1 Irrigation: Soil Moisture Depletion Monitoring</p> <p><u>Soil moisture depletion</u> as determined by soil monitoring devices (resistance blocks, tensiometers, neutron probes, capacitance sensors, etc.) or the bucket auger/shovel method (judging moisture by feel) is used to assist in deciding when and how much to irrigate.</p>	<p>YES = 1</p>
<p>5.12.2 Irrigation: Vine Water Status Monitoring</p> <p><u>Vine water status</u> using a device (pressure chamber, etc.) or visual observations is used to assist in deciding when and how much to irrigate.</p>	<p>YES = 1</p> <p>NO = 0</p>
<p>5.12.3 Irrigation: Evapotranspiration (ET_c) Usage</p> <p><u>Evapotranspiration</u> (ET_c) determined by a local weather station or a nearby CIMIS station with similar climatic conditions is used to assist in deciding when and how much to irrigate.</p>	<p>YES = 1</p> <p>NO = 0</p>

The LODI RULES Committee decided that there were many farming practices where, if a grower was not doing better than the minimum for any one of the practices in a given vineyard, then that vineyard should not be able to qualify for certification. Therefore, some standards require a minimum level of adherence or performance to retain eligibility for certification. These aspects of the program are called "Fail Chapter" components. If a grower is at the bottom level for such a "Fail Chapter" component, then they fail to qualify for overall certification regardless of what they score on the other standards for that chapter (e.g. Standard 6.2 on the following page). The newest LODI RULES binders contain a list of "Fail Chapter" standards in Tab 10. This list is also available at lodigrowers.com/standards.

6.2 Vineyard Monitoring for Insect and Mite Pests

A. The PCA and/or a company representative monitors the vineyard for insect and mite pests <i>at least once every 7 days</i> during the growing season <u>AND</u> keeps written monitoring records.	8
B. The PCA and/or a company representative monitors the vineyard for insect and mite pests <i>at least once every 10 days</i> during the growing season <u>AND</u> keeps written monitoring records.	6
C. The PCA and/or a company representative monitors the vineyard for insect and mite pests <i>at least once every 14 days</i> during the growing season <u>AND</u> keeps written monitoring records.	4
D. The PCA and/or a company representative monitors the vineyard for insect and mite pests <i>at least once every 21 days</i> during the growing season <u>AND</u> keeps written monitoring records.	1
E. The PCA and/or a company representative monitors the vineyard for insect and mite pests <i>at least once every month</i> during the growing season <u>AND</u> keeps written monitoring records.	0
F. <i>No vineyard monitoring records</i> are kept for insect and mite pests.	Fail Chapter

PLEASE NOTE: To achieve certification, you must implement enough of the practices from each chapter such that their scores add up to at least 50% of the available points for that chapter AND at least 70% of all points across all chapters. Scores below 50% in any one chapter, even if all the other chapters are very high, disqualifies you from certification for that vineyard for the year.

In the LODI RULES binder, “Companion Information” follows each standard and supplies you with more detail on the requirements within the standard. References are given to scientific and other useful publications that explain each item in more detail. The function of the Companion Information is two-fold. First, it provides more detailed information on the expectations of the program regarding compliance. Second, the information provided will be used by the auditor to ensure that all inspections are performed consistently. This will allow for different individual auditors to provide the same level of scrutiny when verifying your compliance. Types of documentation an auditor would look for during the certification process are also given in the Audit Prep Checklist, included in Tab 10 of the binders.

Pesticide Risk Tool: Pesticide Environmental Assessment System (PEAS)

The Pesticide Environmental Assessment System (PEAS) is a risk tool used to attempt to quantify the environmental and human impact of the active ingredients of pesticides available for use on a crop. Using the PEAS risk tool, numbers are generated for:

- The acute risks to farm workers
- Dietary risks from acute and chronic exposure to people who consume the product
- Acute risks to small aquatic invertebrates
- Acute risks to birds
- Acute risks to bees and pest natural enemies

The sum of these five numbers is called the “environmental impact unit” for the active ingredient. A comprehensive list of current units for pesticide products can be found in the LODI RULES binder and at lodigrowers.com/standards. *Note: Currently, Protected Harvest is working with the Lodi Winegrape Commission and the IPM Institute on a transition from the PEAS risk model to the Pesticide Risk Tool (PRT) although growers should continue to use PEAS for the 2021 certification season. The PRT may be used to evaluate pesticide risk in situations where a pesticide that is being considered does not have a PEAS number.*

If a pesticide is being considered for use that does not have a PEAS number please contact Stephanie Bolton at stephanie@lodiwine.com before it is used and no later than July 1, 2021, including the average rate per acre. Using a product not found on the PEAS list may result in a decision to not certify, thus it is critical to communicate any planned usage in advance of application so it can be evaluated. Stephanie will arrange for Protected Harvest to determine the level of risk associated with this pesticide. This determination will be made within a matter of days. You will then be notified of the level of risk of this pesticide. It is possible that a pesticide rated as high risk by PRT may not be allowed for use in a LODI RULES vineyard. This will be determined on a case by case basis.

During the certification process, each grower adds up PEAS impact units for every pesticide application to the vineyard since post-harvest of the previous year, up to and including the harvest of the current year’s crop. These pesticide records - including the date applied, the active ingredient, amount of total product applied, the application rate, and the **PEAS impact units** - must be submitted to the auditor by October 31, 2021. **To achieve certification under LODI RULES, your total PEAS impact scores cannot exceed 50 units.** *Note: See the instructions in the previous paragraph for assessing risk of a pesticide without a PEAS number.*

Geographic Limitation of the Standards

The LODI RULES for Sustainable Winegrowing Standards were created to reflect the best management practices appropriate to the ecosystem for which the Standard was developed. Historically the region was limited to the Lodi appellation, Crush District #11, but in 2009 the Standards were expanded to include certification of California vineyards outside of this district. As of 2017 the geographic region is international in scope. There are certified vineyards in sixteen different California Crush Districts, in Washington state, and in Israel due to similar ecosystems.

For vineyards outside of Crush District #11, the per acre fee is higher than on acreage inside the district. The additional fee is used by the Lodi Winegrape Commission and Protected Harvest for program development and support (see Fees on page 11).

Online Application

Once you have familiarized yourself with the farming practice standards and the pesticide risk requirements, an application needs to be completed. The application includes two parts. The first is information about the production blocks or vineyards you wish to certify, general information about your operation, and contact information. This information will be utilized by the auditor in preparation for the audit. The second is a spreadsheet where you will list the details about each individual vineyards/blocks that you will be certifying. This spreadsheet will also calculate your fees and include your invoice. Payment must be received before an application is considered complete. **Please email certification@protectedharvest.org for a complete application packet.**

Checks should be made payable to Protected Harvest and mailed to:

Protected Harvest
PO BOX 8179
Santa Cruz, CA 95061

Contact the Lodi Winegrape Commission at any time for more information:

Stephanie Bolton, PhD
LODI RULES Sustainable Winegrowing Director
Lodi Winegrape Commission
2545 W. Turner Road
Lodi, CA 95242
209.367.4727
stephanie@lodiwine.com
lodigrowers.com/standards
lodirules.org

Record Keeping

Documentation is critical to the process of third-party certification, and you will find it to be one of the many benefits of the program in the long run. During the auditing process, you will be asked to provide evidence of implementation of the practices you reported implementing in the self-assessment (see “Self-Assessment” section on page 11). Protected Harvest and its independent auditors do not provide exact specifications of the documentation required for most practices, to provide flexibility for growers to do what is practical for their operation. (In the case of some management plans and practices, certain items must appear in the documentation provided.) However, guidance for the type of documentation required is provided in the LODI RULES Companion Information and the Audit Prep Checklist, both parts of the LODI RULES binder, to assist you in preparing for certification. This is an ongoing process. **Please familiarize yourself with the documentation needed before you apply.** In some cases, you will also have to work with your crop consultant or PCA (pest control advisor) to generate the documentation, so making sure they are “on board” is important as well.

Electronic tools for documentation are available, especially in the area of pesticide records. There are commercially available software packages to manage farming operations.

For some practices and especially technologies, paper or electronic records may not be necessary if it is visible to the auditor during a visit. Photographs (digital or on paper; preferably with a timestamp) may be utilized as well at the auditor’s discretion.

Pesticide records for all vineyard certification blocks will always be requested by the auditor to verify compliance with the PEAS requirement (see “Pesticide Risk Tool: Pesticide Environmental Assessment System (PEAS)” section on page 8). If the final pesticide application has not been made at the time of the on-site audit or by the PEAS due date of October 31, 2021 for off-site audits, then the records must be provided after the final pesticide application has been made. If you require a certificate to sell your product prior to this final application, you may request that Protected Harvest issue you a “conditional certificate.” You will have to comply with all other certification requirements to receive the conditional certification, as well as provide a record of all pesticide applications up to the time of the audit. The conditional certificate is contingent upon submission of final pesticide records demonstrating compliance.

Fees

LODI RULES certification fees consist of three parts – a base fee per farming operation, an incremental fee per acre, and a renewal on-site audit fee. All renewing growers will receive an on-site audit once every three years following their application year audit (with some exceptions). The use of a base fee plus a per acre fee is intended to balance the fact that some costs are equal regardless of the size of the farm, but larger farms do require more time to audit. The higher per acre cost for farms outside of Crush District #11 reflects the investment that Lodi Winegrape Commission and its growers put into developing and supporting the program. *Note: Additional costs related to travel time and expense will apply for audits conducted outside of California.*

Base Grower Certification Fee:

New Grower: \$1,785
Renewing Grower: \$1,205

Grower Incremental Assessment Fee:

\$2.00 per application acre for vineyards within Crush District #11
\$4.00 per application acre for vineyards outside Crush District #11 within CA
\$5.00 per application acre for vineyards outside CA within USA
\$6.00 per application acre for vineyards outside USA

Renewal On-Site Audit Fee:

Renewing Grower: \$300 when on-site audit is required (typically once every three years)

Self-Assessment

After submitting your application and after fee payment is received, Protected Harvest will email you user credentials (a username and a password) and a link to the online LODI RULES self-assessment: lodirules.protectedharvest.org. This online self-assessment will contain a profile of your vineyard blocks as you described them on your application. For each vineyard, the online platform allows you to select every practice in the LODI RULES for Sustainable Winegrowing Certification Standards that corresponds to that vineyard, generate a report of your total score for each chapter, and verify if the score you reported is sufficient for certification (subject to verification by the auditor). The system includes a timesaving tool for copying answers from vineyard to vineyard and from year to year (called “cloning” in the self-assessment). Please note that any supporting documents uploaded to the system are deleted at the end of the certification year and do not clone from previous years.

Instructions for use of the tool will be provided with your username and password, and an online webinar on how to use the tool is provided to growers new to the program. Additional support is available in the “LODI RULES Online Self-Assessment User Guide” (part of the LODI RULES binder) and when you need it by calling 831.477.7797.

The online self-assessment is the method by which you communicate to the auditor which of the practices you have implemented in each of your vineyards. These are then evaluated by the auditor during the certification process. **The hard deadline for completing the online self-assessment is May 1, 2021.** After this date, the online system is closed for new assessments.

Confidentiality

Protected Harvest and its contracted independent auditors agree that information collected during the certification process is to be considered confidential and proprietary to the applicant and 1) shall hold the same in confidence, 2) shall not use the individual grower information other than for the purposes of its certification business, and 3) shall disclose it only to its officers, directors, or employees with a specific need to know. Protected Harvest will not disclose, publish, or otherwise reveal any of the individual grower information received during certification to any other party whatsoever, except with the specific prior written authorization of the applicant.

Audits

Once your application and payment are received, a copy will be sent to the third-party auditor who will be verifying your compliance with the Standards. You will be contacted by an auditor to schedule your audit and be told whether the audit is “on-site” or “off-site” (a records audit) by April 15, 2021. **On-site audits typically begin on May 15, 2021 and end on August 1, 2021.**

During your first year of certification, you will get an on-site visit from an auditor who will evaluate the vineyards and selected practices based on the information you provided in your self-assessment. The fee for this audit is included in your first-year certification fees. In subsequent years, you will typically receive an on-site visit once every three years, however there could be circumstances that necessitate you receiving an on-site audit two years in a row.¹ The fee for an on-site audit for a renewing applicant is \$300². In the years you do not receive an on-site visit, you will be asked to provide specific documentation to the auditor. The auditor will inform you which documents are needed and the specific vineyards they are to represent (unless they are relevant to the whole farm), and the date they are due. Pesticide records will be among the items requested; the others are at the discretion of the auditor.

¹ E.g. an applicant has significant repeated nonconformities, systemic issues, etc.

² This fee applies to any onsite audit for a renewing applicant, including follow-up audits in back to back years.

To uphold the merits of the LODI RULES for Sustainable Winegrowing Certification Standards, you will not know in advance of the visit which vineyards or practices have been selected for on-site auditing. The person who is responsible for implementing the program on your farm must be present during this visit (and for success, should be involved in the self-assessment and application processes as well). Failure to be at the agreed-upon location at the agreed-upon time will result in additional fees. Also, if a second visit is required due to a lack of sufficient documentation at the time of the first visit, further fees will be required. See Appendix A on page 20 for the schedule of additional fees.

Each year, a minimum of 1 up to a maximum of 5 participating growers will receive a random audit. No more than 24 hours' notice need be given for random audits. Random audits are only chosen from the group of applicants scheduled to receive an off-site audit for the year.

To maintain the integrity of the program, during the auditing process the auditor may request additional documentation or on-site verification if the initial evaluation reveals discrepancies to the auditor or otherwise indicates that the farm may not be complying.

All auditors must meet a minimum qualification level of a B.A in Agricultural Science *and* 2 years agricultural inspection experience; or a minimum of 5 years agricultural inspection experience; or, successful completion of training in the Protected Harvest program approved by Protected Harvest. Auditors must also disclose that there is no conflict of interest with the applicant. Auditors are required to sign a confidentiality agreement annually to protect confidential information disclosed during the evaluation.

If you feel that the auditor assigned by Protected Harvest has a conflict of interest or any other issue that would prevent you from receiving an adequate evaluation, contact Protected Harvest for assistance. A different auditor will be obtained if necessary.

Please respond promptly to communication from the auditor. Extra time spent by the auditor on any one inspection incurs extra costs. Specifically, if the auditor does not receive a response after three attempts it will be assumed that the applicant is no longer interested in certification and his/her production blocks will be failed without refund of fees. If the applicant resumes communication and does wish to continue with certification, additional fees will be charged due to the additional auditor time required (see Appendix A: Additional Fee Schedule on page 20).

Protected Harvest and the auditor will enforce a final certification date of October 31, 2021. If the auditor has not received all required documentation by the final certification date, the applicant will fail certification for the growing season and their fees will not be refunded.

Certification Decisions

The decision to grant certification is based on the applicant's compliance with the program requirements. Upon successful completion of the certification process, applicants will receive a letter confirming that they have met all requirements for certification, along with certificates, including all certified vineyard blocks and winegrape acreage. The certificate is valid for the crop produced during the vintage for which it was issued only.

For situations in which it is not possible to grant certification, or where an applicant's compliance lapses, the following sections will apply.

Certification Denial or Suspensions

Protected Harvest may deny or suspend certification of any individual vineyard or entire organization when any of the following apply:

1. Failure to comply with the LODI RULES for Sustainable Winegrowing Certification Standards, PEAS requirements, or the LODI RULES Certification Manual requirements or deadlines may result in failure to achieve certification.
2. If at any time Protected Harvest or its auditors discover that an organization's practices have changed in such a way that they are no longer compliant with the LODI RULES for Sustainable Winegrowing Certification Standards, an applicant's certification may be suspended.
3. If it is determined at any time during off-site audit years that an organization is no longer compliant with the LODI RULES for Sustainable Winegrowing Certification Standards, an applicant's certification may be denied or suspended.
4. If, **at any time during the certification process**, the applicant or its representatives willfully provide incomplete, misleading, and/or false information, this may result in a decision to not grant certification and may also result in a loss of eligibility for certification for an additional two years.
5. If, **following the certification process and after certificates are issued**, an applicant or its representatives are found to have willfully presented incomplete, misleading and/or false information, certification may be revoked and this may also result in a loss of eligibility for certification for an additional two years.
6. If at any time the applicant is found to be out of compliance with the terms of the Grower Affidavit found in the LODI RULES application, the applicant's certification may be denied or suspended.

In circumstances where an applicant's certification is denied, suspended, and/or revoked, Protected Harvest will send a letter informing the applicant of the decision and a summary supporting justification.

During suspension, the applicant is not allowed to represent their organization as a current LODI RULES participant or represent their vineyard or grapes as certified. If the operation returns to a level of compliance required for certification, as determined by Protected Harvest and its auditors, the certification for the latest certified season may be reinstated.

If an applicant that has been denied certification or has a suspended certificate that is not reinstated chooses to reapply to LODI RULES in the future, Protected Harvest will conduct due diligence with the applicant as part of the application approval process. This process may involve the applicant addressing nonconformities that prevented certification or resulted in suspension of a certificate. A new evaluation audit may be required to confirm the implementation and effectiveness of corrective actions and to ensure that the reasons for denial of certification have been fully addressed. Similar due diligence and follow up processes may also apply to suspension processes where an applicant is reinstated but an on-site audit is warranted given the circumstances associated with the suspension.

Appeals and Disputes

If an applicant feels **that a certification decision was made without adequate information or based on erroneous data**, they are permitted to appeal the decision. The appeal must be filed with Protected Harvest within 30 days of the decision and must include:

- Name of the person submitting the appeal. No anonymous appeals will be accepted. The name of the organization or company, address, phone number, and name and title of person submitting the appeal must be included.
- A copy of the certification decision the applicant is appealing.
- A summary of the applicant's position in 500 words or less addressing each item in the decision letter.
- Any information and supporting documentation that confirms the claim of compliance with the requirements of the LODI RULES Certification Manual and the Standard.

Once the appeal is received by Protected Harvest, the decision will be reviewed. The applicant will be notified of the results of the review promptly.

If the decision is upheld and the applicant still feels that **that a certification decision was made without adequate information or based on erroneous data**, they may file a dispute with Protected Harvest. The dispute should include all the information previously provided in the appeal and provide additional evidence that supports the claim of compliance with the requirements of the LODI RULES Certification Manual and the Standard. The Protected Harvest Board will review the appeal and the original decision and make a final ruling on the issue. Protected Harvest will promptly notify the applicant of the decision.

Voluntary Withdrawal

At any time during the application process, an applicant may voluntarily opt to withdraw their application. A partial refund may be available to applicants that are withdrawing as follows:

- Complete withdrawal prior to self-assessment platform updates by Protected Harvest – full refund of payment.
- Complete withdrawal after self-assessment platform updates by Protected Harvest up to 5 business days prior to the scheduled onsite inspection – refund of payment minus \$500.
- Partial withdrawal (individual vineyard) before or during on-site inspection - 75% of the withdrawing incremental acreage assessment is refundable.
- Complete or partial withdrawal after on-site inspection - no refund is available.

Complaints Investigation

Any individual with credible information may file a complaint with Protected Harvest against a participating operation that is not operating within the requirements of the Standards. All complaints must be signed and submitted with a return address. The complaints must clearly describe the area of non-compliance. Any support for the complaint must be provided.

Protected Harvest will investigate the complaint thoroughly. The name of the individual making the complaint will remain confidential. The investigation may include an unannounced visit to the operation. A response is sent to the individual making the complaint upon completion of the investigation.

Federal, State and Local Laws

Applicants must meet all legal requirements pertaining to their operation. These may include but are not limited to record keeping, food safety, labor management, employee safety, pesticides, and nutrient management. Any legal requirement that exceeds the requirements of Protected Harvest supersedes this program's authority.

IV. Winery Handler Certification

All wineries utilizing a LODI RULES for Sustainable Winegrowing seal and/or other references to the certification program on their bottle or other marketing materials must adhere to specific policies, including a minimum content of certified grapes in the wine (85%). For this reason, all grower applicants are asked on their application to provide the names of all wineries that are expected to receive grapes from the vineyards being certified. Contact the Lodi Winegrape Commission (209.367.4727) for permission and information on proper use of the LODI RULES, CALIFORNIA RULES, or RULES for SUSTAINABLE WINEGROWING Certified Green seals.

V. Use of Certification

Once certification is granted, the participating entity may represent products that are included in the scope of the certification as certified, under the restrictions of the program.

Representation of Certified Products

Participation in the LODI RULES for Sustainable Winegrowing certification program entitles the producer or manufacturer to make a sustainable/environmental claim about the way in which its products or the ingredients in its products are grown. Both the LODI RULES for Sustainable Winegrowing Program and the producer or manufacturer of the products may make a marketing claim to the consumer of the products or to the retail purchaser of the products. The producer or manufacturer is not authorized to make any claims beyond those that the standards to which the products or the ingredients of products are certified are designed to address.

Use of the LODI RULES, CALIFORNIA RULES, and RULES FOR SUSTAINABLE WINEGROWING “Certified Green” Seals

Producers who are certified under the LODI RULES for Sustainable Winegrowing Program may affix a LODI RULES “Certified Green” seal to their products at the distribution or retail level after signing a Certification Mark Licensing Agreement with the Lodi Winegrape Commission. Three seal options, all carrying the same meaning, are available for wineries to use – the LODI RULES seal, the CALIFORNIA RULES seal, and a RULES for SUSTAINABLE WINEGROWING seal.

Information for wineries is outlined on the web page:

lodigrowers.com/lodirules/wineryresources.

For guidelines on the use of a LODI RULES seal or to obtain a Certification Mark Licensing Agreement, please contact the Lodi Winegrape Commission:

Dr. Stephanie Bolton
LODI RULES Sustainable Winegrowing Director
Lodi Winegrape Commission
209.367.4727
stephanie@lodiwine.com

Use of the Protected Harvest Consumer Logo

Producers or manufacturers whose vineyards are certified under the LODI RULES for Sustainable Winegrowing Program may also affix the Protected Harvest logo to their products at the distribution or retail level. For guidelines on the use of the Protected Harvest logo, please contact Protected Harvest at certification@protectedharvest.org.

VI. Amending the Standards

To submit suggestions for revisions to LODI RULES for Sustainable Winegrowing Certification Standards, email certification@protectedharvest.org.

The person submitting proposed revisions must be identified by name. No anonymous proposals will be accepted. If submitted on behalf of an organization or company, the name of the organization or company, address, phone number, number of members, and name and title of person submitting proposed revisions must be included.

- List the standard, section number, question number, and actual text you propose to change.
- Provide the replacement language you would like to propose. New text should be in underline format, and deleted text should be indicated by strike out format.
- Provide a rationale, including the need for and intended effect of your proposed change. Supply any supporting documents or research information, including historical use.
- Include a summary of your position in 100 words or less.

Protected Harvest Process for Consideration of Revisions

It should be noted that there is a difference between a revision and a technical correction. *Revisions* represent substantive changes or additions to the Standards that may affect the ability of an operation to comply. These can include additional requirements, changes to the allowance of practices, or any adjustments to the scoring of a certification audit. *Technical corrections* are changes that do not affect the intent of the Standard. These include grammar and spelling corrections or terminology adjustments.

Technical corrections can be made by Protected Harvest at any time to improve the certification documents. As these do not affect the intent of the Standard, no notice or phase in period is required.

Revisions require a fully transparent procedure that allows for comment from all stakeholders. It is expected that three distinct facets of industry will provide request for revisions. They are:

- Growers and program participants
- Industry groups and consumers
- Protected Harvest Board

The procedure will be equivalent no matter who submits the request. The following is a step by step method for revision:

1. Written request for revision submitted to both Lodi Winegrape Commission (Standards Owner) and Protected Harvest. Requests must be submitted at least 6 months prior to the application month (generally February).
2. Within 30 days, Protected Harvest will create a recommendation based on the information in the request. This recommendation will be forwarded to the Standards Owner.
3. The Standards Owner considers the recommendation and consults with their leadership and technical experts, as needed.
4. The final recommendation, based on input from the Standards Owner, will be forwarded to the Protected Harvest Board of Directors. Protected Harvest will have 30 days to provide comments. Afterwards, comments will be used to create a revised recommendation.
5. The revised recommendation is posted for comment on the Protected Harvest website for 30 days. Simultaneously, the industry group is advised of the recommendation.
6. After the posting, within 30 days the recommendation is revised once again by Protected Harvest and the Lodi Winegrape Commission to encompass comments and submitted to the Board of Directors of Protected Harvest for approval.
7. Once approved, the recommendation is posted on the Protected Harvest website as a notice of change. Included is a date of implementation. The date of implementation is the date in which growers will be required to meet the new Standard requirement. Prior to the implementation date, Protected Harvest must adjust all documentation effected by the change. In the case of extreme changes, the implementation date may be held off until the following season with an exploratory period in the present season. Simultaneously, the current and expected applicants will be alerted to the eminent change.

VII. Appendix A: Additional Fee Schedule

Applications are processed in batches, so they can be assigned to an auditor based on geographic locations and size of operation. Late applications, changes to applications, changes to audit dates, and withdrawal of vineyards cause additional scheduling and work for auditors and Protected Harvest and may result in an assessment of additional fees as detailed below.

The following schedule of fees will be billed directly to the grower for additional administrative expenses, if applicable. Your efforts to submit materials on time and provide accurate information will greatly improve the efficiency of the certification process and minimize costs and are much appreciated.

- Audit Cancellation (with less than 48 hours' notice): \$100
- Absence at scheduled audit (without notice of cancellation): \$200
- Exceptional time required (e.g., grower was unprepared or absent at the scheduled audit, the certification process requires additional follow up due to lack of timely and complete responses and/or documentation related to the audit process, etc.): \$100/hour
- Add-on vineyard at audit: \$50/added vineyard, plus acreage fees
- Add-on vineyard after audit: \$150/added vineyard, plus acreage fees
- NSF Check: \$35 each
- Auditor travel expenses and travel time for audits conducted outside of California.