



AJP Standards Revisions
Master List of Changes to AJP Board Draft
October 7, 2015

GENERAL

1. Eliminated references to major/minor non-compliances
 - *AJP has decided not to publish a concrete list of major and minor non-compliances. Instead going forward we will develop criteria for what constitutes a major/minor non-compliance, which will be published in our Policy Manual. This is to allow more flexibility in the interpretation of the standards for regional and contextual differences.*

2. Revisions planned for Toxics List in Appendix 1, and standard 3.5.9 Least Toxic Alternative, and language in Policy Manual regarding AJP's position on organic certification
 - *AJP intends to offer certification opportunity to sustainably operating farms. While this includes certified organic farms, it may not be limited to those that are certified. For this reason, AJP has adjusted our standards in section 3.0 for farmer responsibilities to workers to be more inclusive of non-certified organic farms and of IPM farms. The changes to our standards are summarized as follows:*
 - *New language in 3.5.9 Least Toxic Alternative, allows 3 pathways: organic certified, non-certified practicing organic, and IPM. In addition the following requirements have been clarified for all farms in labor practices standards:*
 1. *Pesticide applications follow all instructions (Now in 3.5.1i, Safe Workplace)*
 2. *Records of all applications maintained for 3 years (Now in 3.5.1j, Safe Workplace)*
 3. *Workers are trained upon hire and annually in pesticide app (Now in 3.5.2f, Safety Training)*
 4. *A system is in place for workers and neighbors to report and track pesticide exposure due to the farm's use (Now in 3.4.2d, Protection from Contamination)*
 5. *Personal protective equipment (PPE) required is provided by employers and maintained in good condition (Covered already in 3.5.4g, and 3.5.4i, Rest and Sanitary Facilities, and in 3.5.8d Right to Know about Toxic Materials)*
 6. *Farmers must ensure that workers use PPE (Now added in 3.5.4j, Rest and Sanitary Facilities)*
 7. *Mixing etc occurs in ventilated, designated areas (Now in 3.5.1k, Safe Workplace)*
 8. *Closed systems used for mixing those labeled with "Danger" (Now in 3.5.1k, Safe Workplace)*



9. *Workers handling organophosphate or those labeled with "Danger" or "Warning" are medically monitored (Added to 3.5.8e, Right to Know about Toxic Materials)*
 10. *If pesticides are stored on farm - in locked area, off ground, 400 ft from drinking water and 200 ft from surface water (Now in 3.4.2c, Protection from Contamination)*
 11. *Buffer strips at least 9ft between farm fields and water (Now in 3.4.2b, revised to include buffer zone of 9 feet., Protection from Contamination)*
 12. *Farm has a written drift management plan to minimize drift (Now in 3.4.2e, Protection from Contamination)*
- *AJP still intends to pursue a pilot certification with a farm that is practicing organic agriculture that is un-certified, and/or with a farm that is practicing IPM. The goal will be to determine what aspects of certification process would need to be added to the AJP inspection in order to ensure fair practices and adequate safety protocols.*
 - *At the moment, AJP has conflicting language regarding requirements for organic certification. The Policy Manual requires organic certification. AJP will revise the language in the Policy Manual during the next PM revision process.*
 - *AJP has received input that some materials on the existing Appendix 1 may be allowed in organic certification, which would cause additional confusion. AJP has decided to drop Appendix 1 from the standards, and will not maintain a list of prohibited materials.*
 - *AJP is seeking comment on this approach and on the language in standard 3.5.9 as well as the list in Appendix 1.*
 - *For additional consideration, DFTA criteria: "Farms/businesses follow a sustainable agriculture protocol or have organic certification or other certification that promotes environmental stewardship"*
3. *Adjusting the AJP Scope to be more inclusive of additional sustainability claims, such as animal welfare.*
 - *Thus far AJP has maintained a focus on social justice aspects. However we have received feedback in the past that the market is seeking an all-inclusive process for certification, and that remaining specialized contributes to label proliferation for consumers and increased costs for producers. AJP is thus considering if in the future an expansion of our general scope to include aspects such as animal welfare would be necessary.*
 - *If AJP were to pursue this, our process would be to collaborate with partners currently conducting this type of inspection/certification. AJP is seeking comments on the necessity to pursue this or not, as well as suggestions how to go about it.*



- *Therefore AJP has developed draft scenarios that require certified clients to make a good faith effort, or directly participate in additional programs for ensuring animal welfare. AJP seeks feedback on these scenarios, and additional input on how best to address further sustainability claims.*
4. New Section 7.0: Draft standards for non-profits and non-profit cooperatives
AJP felt in the past that in addition to standards in section 4 for food business responsibilities to workers, some additional standards may apply to the unique operations of non-profits. This section is in first draft form and needs particular attention from those with experience in non-profits and non-profit farms.
 5. Requested input: Standards for coops?
 - *As with standards for non-profits AJP believes there may be additional standards (beyond those in 4.0) that would apply to the unique operations of cooperatives. AJP is seeking advice on what may be missing from 4.0 from those with experience in cooperatives.*

DEFINITIONS

6. Edited definition of “contract” to make clear that employer/employee agreements (contracts or verbal) are valid regardless of At-Will status of employer.
7. Added definition of “farm work” in order to clarify what activities are to be included in calculations of working hours, relevant for standards related to overtime and living wage calculations.
8. Added definition of “family scale farm” in response to DFTA evaluation, in order to be more clear.
9. Added definition of “hired labor” and revised it to be inclusive of all those working on the farm (including volunteers, etc).
10. Added definition of “working time” in order to clarify what hours must be considered on the clock, and which may not.
11. Added some examples and clarifications to the definition of “labor contractor.”
12. Revised and clarified definition of “blacklisting.”

SECTION 1.0 – FOOD BUSINESS RESPONSIBILITIES TO FARMERS

13. 1.2.7a, added “by buyer” for clarity
14. Edits to 1.1.6e regarding whether farmers and buyers “must” negotiate
 - *AJP was getting questions about whether farmers and buyers MUST always negotiate, even in cases when it was unnecessary, because of language in this standard. We decided we needed to make it more clear*



that if the farmer thinks the price is fair, an actual negotiation process does not have to take place, but it should always be an option.

15. Edits to 1.1.2a – for the same reasons mentioned above in 1.1.6e.
16. Changed 1.1.3c from certified to all farmers to be inclusive of all in protection against buyer retaliation.
17. Standard 1.2.6a was changed to a continual improvement standard, regarding buyers assisting grower groups in establishing ICS.
18. In response to DFTA evaluation feedback, new language 1.1.12, to ensure that buyer contracts do not limit farmers’ rights to save seed.

SECTION 2.0 – FARMER RESPONSIBILITIES TO BUYERS

19. Regarding requirement for conflict resolution in contracts, 2.3a and b edited to be for certified buyers only
20. Standard 2.8a was moved to buyer responsibility section, added to 1.4.1c

SECTION 3.0 – FARMER RESPONSIBILITIES TO WORKERS

21. IN GENERAL – changed language from “employer” to “farmer” in this section to differentiate this from section 4.0.
22. Clarification of clause 3.1.1c (and corresponding 4.1.1c)
 - *Edited to exclude the possibility that working hours could be used as a justification for not allowing worker representatives to be present at meetings. Worker representatives may be present at any meetings.*
23. 3.1.3a changed to include workers’ organizations as well as dispute settlement centers
24. Requiring opportunity for two-way or mutual evaluations
 - *In addition to the requirement that employees are offered an evaluation and feedback on their work, we have added draft language to 3.1.7 requiring that employers allow employees to provide them feedback as well in a mutual evaluation process*
25. 3.1.14iii added new draft language
 - *New language added to be clear that employers must not engage in blacklisting in any capacity, at any point – rather than only in the case of a termination.*

26. Making capacity building a required component of the standards, 3.1.15
 - *In response to DFTA evaluation which found that AJP did not address the criteria of capacity building adequately, new draft language in 3.1.15g requires farmers to include capacity development in employee workplan*

27. Edits to 3.2f regarding childcare
 - *Revised to be clear that if employees are living in employer provided housing on the farm, the farmer must provide an arrangement for childcare during working hours.*

28. Revisions to clarify living wage language in general, and for part-time workers
 - *For clarity, revised actual language in 3.3.1 to make FLSA status clear, and clarify that the living wage is calculated for 1 person rather than a flexible calculation based on family size.*
 - *New 3.3.1b added to require living wage equivalent rate paid to part-time employees*
 - *New 3.3.1c added to require pro-rated benefits offered to part-time employees*
 - *In addition, AJP has removed education from the living wage definition, as quantifiable estimates were difficult to standardize, and this made the living wage difficult to achieve. This has been instead added into continual improvement. Potable Water has also been removed, as it is included in most living wage calculations in nutrition and sanitary needs. Energy expenses have been changed to Utilities to be more inclusive, which together with housing or rent are more easily quantifiable in regional estimates.*

29. Labor Committee for advising farmers on short-term labor needs
 - *New language has been added in 3.1.9c to require that farms that regularly face seasonal or sudden short-term labor needs must form a labor committee of existing workers. This committee will advise the farmer on recruitment of additional short-term labor, as well as work collaboratively with the farmer to find best solutions for labor needs and incorporating new workers.*

30. Addressing full-time employment opportunities for part-time staff
 - *AJP intends to be clear in the standards that employers should not hire multiple part-time employees as a means to avoid hiring full-time. In addition, we want to address the needs of employees who are seeking full-time to be allowed to increase their work week when possible.*
 - *New language to clarify this has been added to 3.1.9d*

31. Adding exemption to allow labor contractors, 3.1.10, Scenario Two
 - *AJP has worked to find a balance between in the question of labor contractors that would consider the needs of independent farmers and*



workers. New language added to Scenario Two allows for a short term use of labor contractors if various steps are taken to ensure that the farmer is looking for alternatives. AJP requests attention to this language and idea especially from the worker community.

- *New language has been added to 3.1.10a requiring that farms facing a short-term labor need must first consult with the labor committee, described in 3.1.9c, and/or with AJP worker organizations regarding existing labor contractors in their area.*

32. Clarity of written policy regarding children’s safety and health

- *DFTA evaluation revealed that while implied in AJP standards, a written policy ensuring children’s safety and health was not required. Draft language in 3.2g requires a written policy be on file and communicated/shared with staff.*

33. Revisions to clarify overtime language

- *Responding to DFTA evaluation, AJP issued the following statement in a guidance regarding overtime language: “AJP would like to clarify our intent in the standards regarding overtime. Employees should have the freedom to accept or decline when their employer asks that they work overtime.” Thus, AJP has determined:*
- *Employees must know beforehand if a job would involve occasional overtime. If they accept that and the terms are fairly spelled out in the contract, required overtime (reasonable amounts, etc) is OK for those employees only. Other overtime, or overtime beyond the amounts in the contracts, is completely voluntary.*
- *If overtime situations arise, beyond those already agreed to in a contract, employers/farmers must give employees the option to refuse overtime without retaliation or discrimination in other areas of work.*
- *3.3.1a: voluntary overtime is mentioned in reference to calculating living wage.*
- *3.3.4d: revised to be clear about the 48 hour limit beyond which is voluntary.*
- *3.3.4e: revised to include specific points that must be included in an overtime policy.*
- *New language added in 3.3.4i, 3.3.4j, 3.3.4k to make the above concepts clear.*

34. Number of paid sick days, 3.3.3d

- *AJP will require a minimum of 5 paid sick days. Beyond this point, farms must have in place a policy for accrual of additional days.*

35. 3.5.4j and 4.5.4g, added that the farmer is also responsible for maintenance of equipment

36. 3.6.1a, Interns and minimum wage



- *Interns still must make compensation of no less than minimum wage, in addition to educational opportunities.*
- *Added 3.6.1f, interns must be trained in the AJP standards.*

37. Regarding Guidance 2, ensuring that trainings are on the clock:

- *New language in 3.6.1, 3.5.2, 3.1.15f requires that all trainings are on the clock*

SECTION 4.0 – FOOD BUSINESS RESPONSIBILITIES TO EMPLOYEES

38. Regarding Guidance 2, ensuring that trainings are on the clock:

- *New language in 4.7.1, 4.5.2, 4.1.14f requires that all trainings are on the clock*

39. New language 4.1.13 to make clearer statement against blacklisting

40. Capacity building standard language added to 4.1.14

- *As in section 3, AJP responds to DFTA evaluation note by adding draft language requiring capacity development opportunities be incorporated into employee workplans – 4.1.14h*

41. Written policy ensuring children's safety

- *As in section 3.0, AJP responds to DFTA evaluation by adding draft language in 4.2f requiring a written policy to ensure children's safety and health.*

42. Revisions to clarify living wage language in general, and for part-time workers

- *For clarity, revised actual language in 4.3.1 to make FLSA status clear, and clarify that the living wage is calculated for 1 person rather than a flexible calculation based on family size*
- *AJP specifically seeks advice on how to best deal with the living wage adjustability for family size. Currently our standards require that the wage is adjusted based on family size. Could this create problems with discrimination against workers with big families because they would be more expensive to employ? Could it create a situation where employees are paid differently for the same work, would that be a problem?*
- *New 4.3.1b added to require living wage equivalent rate paid to part-time employees*
- *New 4.3.1c added to require pro-rated benefits offered to part-time employees*
- *In addition, AJP has removed education from the living wage definition, as quantifiable estimates were difficult to standardize, and this made the living wage difficult to achieve. This has been instead added into continual improvement. Potable Water has also been removed, as it is included in most living wage calculations in nutrition and sanitary needs. Energy expenses have been changed to Utilities to be more inclusive, which*

together with housing or rent are more easily quantifiable in regional estimates.

43. Revisions to clarify overtime language
 - *(As previously explained in section 3, AJP decided to clarify the language around overtime)*
 - *4.3.1a: voluntary overtime is mentioned in reference to calculating living wage.*
 - *4.3.4d: revised to be clear about the 48 hour limit beyond which is voluntary.*
 - *4.3.4e: revised to include specific points that must be included in an overtime policy.*
 - *New language added in 4.3.4l, 4.3.4m, 4.3.4k to make the above concepts clear.*
44. 4.5.4g, added that the employer is also responsible for maintenance of equipment
45. 4.7.1, added language to ensure minimum wage compensation for interns, and added 4.7.1f, interns must be trained in the AJP standards.
46. Number of paid sick days, 4.3.3d
 - *AJP will require a minimum of 5 paid sick days. Beyond this point, businesses must have in place a policy for accrual of additional days.*
47. Requiring opportunity for two-way or mutual evaluations
 - *As in section 3, new language in 4.1.7 requires that employers allow employees to provide them feedback as well in a mutual evaluation process*

SECTION 5.0 – GROWER GROUP RESPONSIBILITIES

48. Increasing percentage of total farms in grower group with employees, and number of employees on individual farm 5.1.1a
 - *Based on feedback from our certified grower group, we recognized that the previous percentage was too small and the number of total employees too restrictive to allow them room to grow.*
 - *This point up for review by AJP board*
49. Removing reference to conflict of interest regarding education.
 - *AJP believes the trend toward limiting the ability of certifiers to offer advice and education around standards is a negative one. AJP intends to allow inspectors and those trained in the standards to give advice and guidance on how to improve farm/business operations. AJP notes: It is important to stress the difference between providing advice and information and being a consultant who is helping a particular farm or*



business comply with a particular standard.

However, in the case of the internal inspector, that is the person who is training grower group members to comply with standards.

- *Language changed in 5.1.5a*
- *Previous 5.1.5f prohibiting that auditors provide assistance is removed*

50. By-year inspection possibility to reduce ICS costs and burden 5.1.5.d.iv

- *AJP intends to make revisions to our Policy Manual extending by-year inspection exemptions to farms and businesses that are regular good performers who have had no changes in their operations. This will apply potentially to all farms, including grower groups. AJP is seeking advice on this idea – should there be other pre-conditions to earning the by-year?*

51. Major/minor non-compliances for grower groups developed by ICS, based on AJP criteria, 5.1.5f

- *As mentioned in General notes, AJP has decided to do away with the major/minor list, and instead offer guidance on what a major and minor non-compliance should consist of. Certifiers will be developing lists based on their regional contexts. Thus, the ICS for a grower group will need to develop their own list as well, and approve this list with their certifier.*

52. Clarity that final internal review conclusions must be provided to worker representative before they are sent to the farmer, 5.1.5h

53. Community Relations changed from continual improvement to required standard

- *DFTA evaluation found that AJP did not meet criteria regarding community relations for certified entities. Therefore we have changed this standard from a continual improvement point to a requirement, ensuring that grower groups will create mechanisms to engage with and support their local communities.*