



**Livestock and Seed Program  
Audit, Review, and Compliance Branch  
Quality System Audit Report**

**AUDIT INFORMATION**

<b>Applicant Name:</b>	New Jersey Department of Agriculture (NJDA)
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	Market Street & Warren Street # 301, Trenton, NJ 08611
<b>Mailing Address:</b>	P.O. Box 330, Trenton, NJ 08625
<b>Contact &amp; Title:</b>	Erich V. Bremer, Supervisor, Organic Certification Program
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<b>Phone Number:</b>	609-633-1738
<b>Auditor(s):</b>	Darrell Wilson
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	October 27, 30, 31, November 6, & 7, 2006
<b>Audit Identifier:</b>	NP63000OA
<b>Action Required:</b>	Yes
<b>Audit Type:</b>	Accreditation Audit
<b>Audit Objective:</b>	To determine the compliance of the company's quality manual to the requirements of the audit criteria.
<b>Audit Criteria:</b>	<ul style="list-style-type: none"><li>• <i>USDA, AMS, 7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000, Updated September 11, 2006</i></li></ul>
<b>Audit Scope:</b>	NJDA's proposed New Rule: N.J.D.A. 2:78, dated October 26, 2006, General Procedures for NJDA Organic Certification, and related procedures and forms.
<b>Location(s) Audited:</b>	Desk

NJDA is a State Government, which has been given authorization to certify organic operations under the NOP Rule through New Jersey Statute 4:10-79. Proposed New Rule: N.J.A.C.2:78, Subchapter1 references adoption of the National Organic Program standards. NJDA is seeking accreditation in crops, livestock, wild crops and handling. Areas in which certification activities are proposed are New Jersey, New York, and Pennsylvania.

When an applicant inquires about certification, the applicant must purchase a Certification Packet, which includes a full copy of the NOP Rule, necessary forms, and guidance materials. All producers and handlers selling or distributing certified organic products must register with the State of New Jersey. Operations claiming to be exempt or excluded are to notify NJDA and submit a signed Declaration of Exempt or Excluded Status form. The fee schedule and notification of non-refundable fees complies with section 205.642 and appears reasonable and is filed with the administrator.



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Initial review of applications is done by the Organic Program Manager and the Supervisor of the Organic Certification Program. Qualifications for both of these persons are adequate for all areas of accreditation requested. There is one back-up reviewer for which qualifications submitted indicated sufficient knowledge in livestock but no organic training or experience and no training and experience in the other areas of certification. NJDA listed 6 independent inspectors. Qualifications submitted for 2 of the inspectors indicated sufficient knowledge for all areas of accreditation; 1 inspector has sufficient knowledge in herbs and has had IOIA training but the information provided did not indicate the scope of the IOIA training; 1 inspector has sufficient knowledge and training for livestock and crops; 1 inspector has sufficient knowledge and training in crops; and qualifications for one inspector was not submitted. After the inspection is completed, the inspection report and documents are reviewed and a recommendation is sent to the Secretary of Agriculture for the final decision in all organic certification matters. There were no qualifications submitted for the Secretary of Agriculture. The Division of Marketing and Development, which is headed by the Division Director, makes initial determinations as to whether to revoke certification. Qualifications for the Division Director were not submitted.

### **FINDINGS**

Documentation reviewed indicated that NJDA is not capable of operating in compliance to the audit criteria. The following requirements of the NOP Final Rule could not be found or were incompletely addressed in the submitted NJDA standards and supporting documentation:

§205.101 (c) – There is no mention of informing exempt operations about the record keeping requirements.

§205.201 (b) – Material submitted indicates that applicants not currently certified by NJDA must purchase application material to be completed. The allowance for use of another plan approved by another regulatory program was not found.

§205.236 (c) – Record requirements for Dairy could not be found.

§205.290 – Not addressed.

§205.300 & 301 – Policies or procedures for verifying labels could not be found.

§205.403 (e) – Sampling procedures do not address providing certified operations with a receipt for samples taken or that the inspector is not to be charged for samples taken.

§205.404 (a) – NJDA Organic Certification Program, Chapter 78, Subchapter 3 references “Transitional Sustainable Certification”. Transitional products are not certifiable under the NOP.

§205.501 (a) – Qualifications for the Secretary of Agriculture, final decision maker, were not submitted, qualifications for the Division Director were not submitted, of the 6 inspectors - 2 have qualifications for the entire scope of accreditation, 1 qualifies for herbs only, one for livestock only, one for crops only and one had no qualifications submitted.

§205.501 (a) (18) – Materials provided to inspector prior to the onsite inspection was not addressed.

§205.501 (a) (19) – Not addressed.

§205.501 (d) – Not addressed.

§205.642 – Providing fee estimates and providing copy of fee schedule for persons inquiring about the application process was not found.

§205.662 (g) – NJDA Organic Certification Program, Chapter 78, Subchapter 5, f, indicates fines which are not consistent to this section of the Rule.