



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

**AUDIT INFORMATION**

<b>Applicant Name:</b>	Maryland Department of Agriculture (MDA)
<b>Est. Number:</b>	N/A
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<b>Auditor(s):</b>	Martin Friesenhahn, Lead Auditor & Corey Gilbert, Auditor
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	February 1 - April 19, 2007
<b>Audit Identifier:</b>	NP7032BBA
<b>Action Required:</b>	Yes
<b>Audit Type:</b>	Surveillance - Accreditation Renewal Audit
<b>Audit Objective:</b>	To verify continuing compliance to the audit criteria.
<b>Audit Criteria:</b>	7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; Updated September 11, 2006
<b>Audit Scope:</b>	MDA's quality manual dated April 13, 2007, including personnel, processes, procedures, facilities, and related records.
<b>Location(s) Audited:</b>	MDA Office in Annapolis, MD; Butter Pot Farm in Cambridge, MD; Orinoco Coffee and Tea in Columbia, MD; and the Country Pleasures Farm in Middletown, MD.

The Maryland Department of Agriculture (MDA) Organic Certification Program is under the Food Quality Assurance Program. The MDA Organic Certification Program was currently under the Marketing, Animal Industries and Consumer Services Department. The MDA Organic Certification Program was accredited as a certifying agent on April 29, 2002 to the National Organic Program (NOP) for crops, wild crops, livestock, and handling operations. MDA currently has 78 crops, 14 livestock, and 15 handling operations certified to the NOP Standards in the State of Maryland. MDA currently has no clients certified for wild crops. Clients are only certified in the state of Maryland.

The 5 Year Accreditation Audit process started on February 1, 2007 with a review of the documents submitted by MDA and concluded with the on-site surveillance audit which was conducted on April 16 – 19, 2007.



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MDA is currently only applying the NOP Standards. MDA is planning to apply the EU 2092/91 Standards and possibly additional standards for some of their clients in the future. However, since their clients have not been certified to the EU 2092/91 Standards the additional inspection forms, applications, and other documents did not address the additional requirements and have not yet been developed. An ISO Guide 65 audit was conducted along with the NOP on-site re-accreditation audit.

The MDA Administrator for the Organic Certification Program is conducting the initial application review and the review of the certification files and inspection reports. A recommendation is then provided to the Program Manager who makes the final decision for certification or denial of the clients. Two MDA inspectors (one being the MDA Administrator) have been completing the majority of the inspections with two additional MDA inspectors being trained. Organic Certificates are issued for either Certified Organic or Transitional Organic (see NP7032BBA.NC6 under the Findings section). MDA mentioned that the Transitional Organic status and reference was needed on the certificates due to the Cost Share Program through the USDA.

The audit included observations of three renewal inspections by MDA. The operations for the inspections included organic vegetable, herb, hay, crop, and beef cattle production. The processing facility was a roaster of organic and conventional coffee beans.

### FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that MDA is currently operating in compliance to the audit criteria except as noted in the non-compliances below. Six non-compliances were identified during the audit.

**NP7032BBA.NC1** -- NOP §205.102(b) requires that any agricultural product that is sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be: (b) handled in accordance with the requirements specified in §205.101 or §§205.270 through 205.272 and all other applicable requirements of this part 205. *During the observation of the livestock operation, the inspector did not recognize that that the terminology of “certified organic” and “organically raised” was similar. Therefore, it was considered acceptable by the MDA inspector to have beef cuts represented as organically raised that had been processed at a facility that had not been certified as an organic processor for beef. It was stated during the inspection that this was acceptable since it was not being represented as certified organic.*

**NP7032BBA.NC2** -- NOP §205.402 Review of application – (a)(1-2) states, “Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to §205.401; and (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply...” *The organic system plan for the processor (processor observed during the on-site inspection) did not have all areas completed prior to the inspection. The document review by MDA did not identify and address the incomplete areas prior to the inspection. The incomplete areas of the organic system plan therefore had to be determined during the inspection.*



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**NP7032BBA.NC3** -- NOP §205.403 (a)(1) On-site inspection – states, "...An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products..." In addition, MDA-DOC-006 requires annual inspections as part of the certification process. *MDA did not conduct the annual inspections for at least five processors in a timely manner. The inspections were completed up to nine months past the annual inspection date. However, the crop and livestock inspections were completed closer to the required annual inspection dates.*

**NP7032BBA.NC4** -- NOP §205.403 (c)(1-3) Verification of information – states, "The on-site inspection of an operation must verify: (1) The operation's compliance or capability to comply with the Act and the regulations in this part; (2) That the information, including the organic production or handling system plan... accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; and (3) That prohibited substances have not been and are not being applied to the operation..." *During the observation of the processor inspection, it was determined that the inspector did not adequately review the organic flavorings that are occasionally added to the coffee beans. However, the main portions of the coffee roasting and processing were adequately reviewed.*

**NP7032BBA.NC5** -- NOP §205.404(b)(2-3) Granting certification and NOP §205.406(d) Continuation of certification states, "The certifying agent must issue a certificate of organic operation which specifies (2) the effective date of certification; and (3) categories of organic operation. (d) If the certifying agent determines that...any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to §205.404(b)." *The effective date listed on the MDA certificates were not when the certified operations were first certified to the NOP. Some MDA certificates were issued as Transitional Organic Certificates for the clients that were in transition and certified clients that had some transitional fields had the specific field listed as Transitional. Both of these certificates listed the eligible date of the fields. The Transitional Organic Certificate referenced that the client was following the requirements of the NOP and was listed as "Transitional Organic" under the USDA NOP. The certificates for the certified operations had the USDA Organic and MDA Seals and identified the operations as eligible to operate under the MDA Organic Certification Program and the NOP. In addition, certificates that were updated did not include the date of the updated information.*

**NP7032BBA.NC6** -- NOP §205.603(a)(13) National List – Synthetic substances allowed for use in organic livestock production states, "Parasiticides, Ivermectin – prohibited in slaughter stock, allowed in emergency treatment for dairy and breeder stock when organic system plan-approved preventive management does not prevent infestation. Milk or milk products from a treated animal cannot be labeled... for 90 days following treatment. In breeder stock, treatment cannot occur during the last third of gestation if the progeny will be sold as organic..." *The MDA Organic Certification Program Animal Production Inspection Form (MDA-DOC-027 April 13, 2007) had listed under the Health Management section (D.12, p.8) that Ivermectin is allowed by the NOP. This statement is not correct as stated in the NOP National List which prohibits Ivermectin in slaughter stock and has certain restrictions for dairy and breeder stock.*